

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

13-CR-150 (WFK)

-against-

United States Courthouse
Brooklyn, New York

MOHAMMAD AJMAL CHOUDHRY,

June 30, 2014

Defendant.

9:30 a.m.

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

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1 (In open court, outside the presence of the jury.)

2 COURTROOM DEPUTY: All rise.

3 Criminal trial, Docket No. 13-CR-150, USA versus
4 Choudhry.

5 Counsel, may you please state your appearances for
6 the record.

7 MS. HECTOR: Amanda Hector, Margaret Gandy and
8 Richard Tucker for the Government, along with Special Agent
9 Matthew Maguire. Good morning, Your Honor.

10 THE COURT: Good morning. You may be seated.

11 MR. SOSINSKY: Good morning. Fred Sosinsky for Mr.
12 Choudhry.

13 THE COURT: Good morning.

14 And Mr. Choudhry is being brought in.

15 (Defendant enters.)

16 THE COURT: Good morning, Mr. Choudhry, please.

17 You may be seated, as well as. Ladies and gentlemen
18 in the audience, you may be seated as well.

19 Do we have any preliminary issues before we bring
20 the jury in?

21 MR. TUCKER: Your Honor, two for the Government, the
22 first -- both of which potentially relate to the work we're
23 doing here this morning.

24 The Government expects after this records custodian
25 that we're going to be calling Nasreen Ajmal Choudhry who was

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1 the subject of the Government's motion over the weekend, which
2 I saw the Court granted.

3 THE COURT: Which you put in at 12:05 a.m. on Sunday
4 morning.

5 MR. TUCKER: And I believe Your Honor granted it
6 quite not that later the next day, so obviously everybody's
7 working hard this weekend.

8 THE COURT: Well, I'm an old Wall Street guy, so
9 what can I tell you.

10 MR. TUCKER: Your Honor, I conferred with defense
11 counsel. I believe that counsel may have an objection to a
12 specific portion of how the Government proposes to proceed,
13 and I just wanted to raise that with the Court before we move
14 forward.

15 THE COURT: Do you want to address it now, sir?

16 MR. SOSINSKY: Very briefly.

17 THE COURT: Yes, sir.

18 MR. SOSINSKY: I don't have an objection to
19 confronting the witness with prior testimony under oath. The
20 only objection that I had that was the portion of the
21 Government's application would be for physically an exhibit to
22 be introduced in evidence. I don't think that that's
23 necessary. I think the witness is confronted with the prior
24 testimony, it can be considered, if it meets the standard Your
25 Honor has already ruled substantively by the jury at that

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1 time. So my only objection would be to the physical
2 introduction of the portions of the grand jury minutes.
3 That's all.

4 THE COURT: That objection is overruled.
5 What else?

6 MR. TUCKER: The other point, Your Honor, is we
7 expect that we'll be calling Agent Maguire today. As Your
8 Honor knows, the Government previously moved in limine to
9 preclude cross-examination relating to that unsubstantiated
10 issue before.

11 THE COURT: And as I'm sure all the parties
12 remember, I granted that motion in limine, and I would take a
13 very dim view if people made a mistake or had a memory lapse
14 or had a senior moment and forgot that this court expressly
15 ruled that they're not to go into unsubstantiated previous
16 allegations with respect to that witness.

17 I can't imagine that there would be such a terrible
18 lapse in judgment in front of a jury where I would have to not
19 only remind counsel of my previous ruling at great length, but
20 also warn counsel not to do it again in front of the jury, and
21 there would be no sidebar.

22 Can you imagine such a thing? I can't. Can you?

23 MR. SOSINSKY: I haven't said a word.

24 THE COURT: There you go.

25 MR. TUCKER: That's all that I had, Your Honor.

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1 THE COURT: Anything else?

2 MR. TUCKER: Not from the Government.

3 THE COURT: Anything else, Mr. Sosinsky?

4 MR. SOSINSKY: There is, sir.

5 This morning Ms. Hector and I were discussing a
6 translation of certain documents apparently from the Pakistani
7 police and court file that was provided to me I think last
8 Monday, the beginning of the week.

9 MS. HECTOR: I believe it was provided I believe the
10 weekend before jury selection, but I could be wrong. There
11 should be a letter.

12 MR. SOSINSKY: In any event, according to a
13 government translation, there is a map of the incident site
14 within those collection of documents that was translated by
15 somebody in their office into English, and on that map it
16 places Rukhsana Kousar and her daughter at a very different
17 place when they claim, according to the report again, I
18 realize what the testimony was here in court, but according to
19 the report, when they came upon the scene of the shootings,
20 and it's indicated on a sketch, a diagram as it were, with a
21 legend that indicates where she and her daughter were, and
22 this is part of what I understand to be police reports,
23 witness statements from her and her daughter.

24 I would ask for the opportunity, I don't think the
25 Government has any objection, to have that witness recalled

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1 solely for the purpose of being asked questions with regard to
2 what she told police about where she was standing.

3 THE COURT: What witness are you talking about?

4 MR. SOSINSKY: Just the last witness, Rukhsana
5 Kousar. In other words, I'm not asking to recall her daughter
6 at this point.

7 THE COURT: You mean just to talk about the location
8 according to some map?

9 Is this map in evidence?

10 MR. SOSINSKY: No, judge. It's part of the police
11 reports from Pakistan.

12 THE COURT: I'm not going to recall the witness for
13 that purpose.

14 MR. SOSINSKY: Okay.

15 THE COURT: Go ahead.

16 MS. HECTOR: Your Honor, if we may sort of discuss
17 this further with defense counsel during a break.

18 THE COURT: If you want to put in a stipulated fact
19 and have that as an attachment for the jury, if the
20 prosecution and defense counsel can agree as to a stipulated
21 factual statement that goes to the jury with respect to this
22 issue, that's fine with the Court. If you're talking about
23 something on a map, but I'm not going to have that witness
24 recalled.

25 MS. HECTOR: And, Your Honor, just to make the

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1 record clear, there's no indication -- it is unclear from this
2 map who provided the information that places the witnesses and
3 other events on this map. There's indications of where
4 bullets were found and that sort of thing, which presumably
5 would come from police and not a witness.

6 However, I think we would ask at this point that we
7 have a moment to confer further with defense counsel at a
8 break and maybe have a joint application of how to handle it
9 going forward.

10 THE COURT: I'll entertain a joint application from
11 counsel as to how to go forward.

12 MR. SOSINSKY: That's all from me, judge.

13 THE COURT: Anything else?

14 MR. TUCKER: No, Your Honor.

15 MS. HECTOR: No, Your Honor.

16 THE COURT: All right. Mr. Jackson, would you bring
17 in the jury, please.

18 (Pause in the proceedings.)
19
20
21
22
23
24
25

Yaeger - Direct / Tucker

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1 (Jury enters the courtroom.)

2 THE COURT: Good morning, ladies and gentlemen of
3 the jury. And again, the Court thanks you for your
4 promptness in being here. Please be seated.

5 Please call your next witness.

6 MR. TUCKER: Your Honor, the Government calls Taryn,
7 T-A-R-Y-N, Yaeger, Y-A-E-G-E-R.

8 (Taryn Yaeger enters the courtroom and takes the
9 witness stand.)

10 COURTROOM DEPUTY: Raise your right hand, please.

11 **TARYN YAEGER,**

12 called by the Government, having been first duly
13 sworn, was examined and testified as follows:

14 THE COURT: Please be seated. I'll ask you to speak
15 directly into this microphone. It looks a little bit like a
16 snake, but it's not, it won't bite you.

17 Please state your name clearly and spell it for the
18 reporter, and then counsel will have some questions for you.

19 THE WITNESS: My name is Taryn Yaeger, that's
20 T-A-R-Y-N Y-A-E-G-E-R.

21 THE COURT: You may enquire, counsel.

22 MR. TUCKER: Thank you, Your Honor.

23 **DIRECT EXAMINATION**

24 **BY MR. TUCKER:**

25 **Q** Good morning, Ms. Yaeger.

Yaeger - Direct / Tucker

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1 A Good morning.

2 Q By whom are you employed?

3 A By the New York City Taxi and Limousine Commission.

4 Q What is the New York City Taxi and Limousine Commission?

5 A It's a city agency that -- that licenses and regulates
6 the city's taxis and for-hire vehicles.

7 Q So that's yellow cabs, green cabs, livery cabs, things of
8 that nature?

9 A All of them.

10 Q And is the Taxi and Limousine Commission sometimes called
11 the TLC?

12 A Yes, it is.

13 Q How long have you been with the TLC?

14 A For almost a year.

15 Q What's your current title?

16 A Taxi technology analyst.

17 Q What does your job entail?

18 A I work closely with technology providers to make sure
19 that their solutions are in compliance with the city's rules
20 and regulations, and I use the data that they provide to
21 monitor and evaluate various programs.

22 Q And when you say "technology providers," what do you mean
23 by that?

24 A Usually E-Hail providers or TPEP providers.

25 Q What are those?

Yaeger - Direct / Tucker

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1 A E-Hail is, you know, the apps on your phone that allow
2 you to reserve a car, and TPEP is the Taxi Passenger
3 Enhancement Program. That is a system that's mandated to be
4 in all cabs and it's -- it's composed of four elements:
5 there's a GPS that collects vehicle location on a per-second
6 basis, a credit card reader, a passenger monitor, and a driver
7 monitor that requires the driver to log in using their --
8 their ID, their TLC license number.

9 Q And when you're talking about TPEP, that's T-P-E-P,
10 right?

11 A That's right, and it's short for Taxi Passenger
12 Enhancement Program.

13 Q And essentially you're talking about the equipment that
14 we see in cabs, the monitor that's where the people sit and
15 the meter and things of that nature?

16 A That's right.

17 Q In the course of your work with the TLC, do you have
18 cause to access TLC's electronic databases and records?

19 A Yes, I do.

20 Q In the ordinary course of business, does the TLC collect
21 and retain licensees' information about people who are
22 licensed to drive taxicabs and other for-hire vehicles?

23 A Yes.

24 Q In the ordinary course of business, does the TLC also
25 keep records regarding taxicab fares?

Yaeger - Direct / Tucker

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1 A Yes.

2 Q What kind of data is retained generally?

3 A We have from each of the elements that I had mentioned
4 before, there's GPS data, so we have latitude and longitude on
5 a per-second basis for each vehicle.

6 THE COURT: Ma'am, I'm going to ask you to channel
7 your inner Lord Vader speech pattern and not your inner Diane
8 Keaton speech pattern by speaking quickly.

9 Let's have the question and the answer back to the
10 point that I interrupted Madam Reporter. She's going to read
11 it back, and you're going to hear the answer and repeat your
12 answer.

13 Go ahead, ma'am. Please read it back.

14 (The requested portion of the record was read back
15 by the Official Court Reporter.)

16 A And we also have the credit card numbers if the fare was
17 paid for by credit card. We have the license number of the
18 driver and we have the amounts of the fare, various itemized
19 elements of the fare.

20 Q Do you also retain the dates and the times of the various
21 fares?

22 A Yes, we do.

23 Q And is this information gathered at or near the times of
24 the individual transactions?

25 A Yes, they are.

Yaeger - Direct / Tucker

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1 Q How does TLC collect this information?

2 A The TPEP system sends the data wirelessly by a modem to
3 the TPEP vendors and they in turn send that data back to us.

4 Q And when you say the TPEP vendors, what do you mean by
5 that?

6 A There are two authorized providers of the -- of the TPEP
7 systems.

8 Q So those are essentially the companies that manufacture
9 and sell the equipment that we see in taxicabs?

10 A Yes. Yes, that's right.

11 THE COURT: You have to wait for him to finish his
12 question and then answer. We have these arcane rules here.

13 Go ahead.

14 MR. TUCKER: Thank you, Your Honor.

15 Q And how is this information used by the TLC?

16 A Well, we -- we use it to -- in small ways, to find lost
17 items. For instance if you -- if you leave something in a
18 cab, you can call and we can help you track that down. We
19 also use it to get a sense of where the fleet is, who's
20 accessing it throughout the boroughs.

21 MR. TUCKER: Your Honor, if I could ask the court's
22 deputy to turn off the jurors' screens for a moment so I could
23 show the witness two items that have been marked for
24 identification.

25 THE COURT: Yes, just publish it to the witness.

Yaeger - Direct / Tucker

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1 Q Ms. Yaeger, is your monitor on up there?

2 A It seems to be loading. It's blank.

3 Q Okay. I'm going to show you what's been marked for
4 identification, and tell me if you can't see them, as
5 Government's Exhibit 600 and Government's Exhibit 601.

6 (The above-referred to exhibits were published to
7 the witness.)

8 Q Do you see those documents?

9 A No, not at the moment.

10 THE COURT: Mr. Jackson, would you call the tech
11 people and tell them they are to sit through this trial until
12 it's over. I don't want to have this happen again.

13 COURTROOM DEPUTY: Yes, judge.

14 THE COURT: Right now.

15 MR. TUCKER: Your Honor, I have extra hard copies.

16 THE COURT: How are they marked?

17 MR. TUCKER: These two we're talking about right now
18 are 600 and 601, Your Honor.

19 THE COURT: Would you hand them up to my law clerk,
20 please.

21 MR. TUCKER: With the Court's permission, I'm also
22 going to hand Your Honor's law clerk 602, just so we can move
23 expeditiously, 603, 604 and 605.

24 THE COURT: Okay. 601 through 605?

25 MR. TUCKER: 600 through 605.

Yaeger - Direct / Tucker

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1 THE COURT: 600 through 605.

2 MR. TUCKER: Correct.

3 THE COURT: That's what's being shown to the
4 witness.

5 Show it to your adversary, make sure he doesn't have
6 any problem with it, please.

7 MR. SOSINSKY: I have no problem with it.

8 THE COURT: Matt, would you take it up to the
9 witness, please, since Andrew is on the phone with the
10 techies.

11 Why don't you go through them seriatim, sir? Start
12 with 600.

13 MR. TUCKER: Absolutely, Your Honor.

14 Q We're just talking about 600 and 601 right now, Ms.
15 Yaeger. So when you find them, let me know.

16 A I have them.

17 Q So just generally, Government's Exhibit 600 and 601,
18 please tell us what those are.

19 A These are licensing documents from the TLC's data
20 warehouse.

21 Q Does this document reflect information about particular
22 individuals who have had or applied for licenses from the TLC?

23 A Yes, it does.

24 Q And is this the sort of data that the TLC retains in the
25 ordinary course of business?

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1 A Yes.

2 Q Prior to today, have you had an opportunity to review
3 these documents and confirm their accuracy?

4 A Yes, I have.

5 MR. TUCKER: Your Honor, the Government moves to
6 admit Government's Exhibits 600 and 601 into evidence.

7 THE COURT: Any objection?

8 MR. SOSINSKY: No.

9 THE COURT: They are admitted into evidence, and
10 since the screen isn't up, I'm going to, if you want to show
11 them to the jury, we will have them passed old school.

12 MR. TUCKER: Your Honor, I think that the monitors
13 were working, just not for the witness. So if we could try to
14 make it public, I think the screens were on for everybody
15 else.

16 THE COURT: Well, they're admitted. So let's make
17 it public.

18 (Government's Exhibits 600 and 601 were received in
19 evidence.)

20 MR. TUCKER: And thankfully, Your Honor, it appears
21 that the monitors are working for the jurors.

22 THE WITNESS: And mine.

23 (The above-referred to exhibit was published.)

24 THE COURT: Can you see the document, Madam Witness?

25 And can you see the document, ladies and gentlemen

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1 of the jury?

2 All right. The Court can see them.

3 Can you see them, Mr. Sosinsky?

4 MR. SOSINSKY: Yes.

5 THE COURT: All right. All God's children can see
6 the document. Let's go.

7 BY MR. TUCKER:

8 Q Ms. Yaeger, we are looking at Exhibit 600, which is now
9 in evidence.

10 Please tell the jury what is contained in this field
11 here that's called "ENTITY_NAM".

12 A That's the licensee's name.

13 Q Does this information relate to a licensee named Jamil A.
14 Chaudhry, C-H-A-U-D-H-R-Y, who lists their address as 817
15 Foster Avenue in Brooklyn?

16 A Yes.

17 Q Now I'm showing you what's in evidence as Government's
18 Exhibit 601.

19 (The above-referred to exhibit was published.)

20 Q Does this licensee information relate to a person named
21 Mohammad, M-O-H-A-M-M-A-D, A. Choudhry, C-H-O-U-D-H-R-Y,
22 licensee number 489034, who also lists their address as 817
23 Foster Avenue in Brooklyn?

24 A Yes, it does.

25 Q Ms. Yaeger, was the TLC asked to search its records for

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1 fare information relating to this individual with licensee
2 number 489034 for the period between November 1st, 2012 to
3 March 1st, 2013?

4 A Yes.

5 Q I'm going to direct your attention now to what's been
6 marked for identification, and I believe you have a hard copy
7 in front of you, to Government's Exhibit 602.

8 Do you see that document?

9 A Yes, I do.

10 Q What is it, just generally?

11 A This is a trip record sheet from VeriFone, one of the
12 technology providers.

13 Q And does this trip record sheet contain fare information
14 pertaining to the licensee number 489034, Mohammad A.
15 Choudhry?

16 A Yes, it does.

17 Q And have you had an opportunity to review this document,
18 which is 36 pages, prior to today?

19 A Yes, I have.

20 Q Does this document accurately reflect information that's
21 retained by the TLC in the ordinary course of business?

22 A Yes, it does.

23 MR. TUCKER: Your Honor, the Government moves to
24 admit Government's Exhibit 602 and also 602A, which is a CD, a
25 compact disk, containing a pdf of this same file. I've

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1 conferred with defense counsel about that and he advised me he
2 has no objection.

3 THE COURT: Any objection?

4 MR. SOSINSKY: No objection.

5 THE COURT: It's admitted.

6 (Government's Exhibits 602 and also 602A were
7 received in evidence.)

8 THE COURT: You may publish to the jury.

9 MR. TUCKER: Thank you, Your Honor.

10 (The above-referred to exhibit was published.)

11 BY MR. TUCKER:

12 Q So Ms. Yaeger, I'm going to zoom out here for a minute so
13 the jury can get a sense of the document here as a whole, this
14 is Government's 602 now in evidence, and this is a printout of
15 the records that you were just testifying about?

16 A Yes.

17 Q Thank you. Let's start on the left-hand side of 602, and
18 I'm going to zoom in a little bit.

19 Now, unfortunately the staple a little bit obstructs
20 this, but does it say "cab number" here up in the upper
21 left-hand corner?

22 A Yes, it does.

23 Q And what is this number to the immediate right of where
24 it says "cab number"?

25 A That's the cab's medallion number, which is its TLC

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1 license number.

2 Q And is the medallion number what we see on the top of the
3 cab in the place that lights up when the cab is available for
4 service?

5 A Yes, it is.

6 THE COURT: Do you have the original there with the
7 staple in it, or is it a photocopy?

8 MR. TUCKER: Your Honor, I believe I have one of the
9 originals. We're sort of digital these days.

10 THE COURT: Yeah, I know, but I'm old school. Why
11 don't you just take the staple out and see if it says "cab" so
12 the record is clear that that's what it says?

13 MR. TUCKER: Absolutely, Your Honor.

14 THE COURT: Do you want a staple remover?

15 MR. TUCKER: Let me see if I can do it the
16 old-fashioned way, Your Honor.

17 There we go.

18 THE COURT: So now you can see the word C-A-B
19 clearly, right? Can you see that word?

20 THE WITNESS: Yes.

21 THE COURT: And does it say "cab"?

22 THE WITNESS: It does.

23 THE COURT: See, all you have to do is take the
24 staple out and then my friends on the 17th floor don't have an
25 issue as to what the document said.

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1 MR. TUCKER: Thank you, Your Honor.

2 THE COURT: And they'll say why didn't you tell the
3 lawyer to take the staple out, and they'll yell at me.

4 All right. Go ahead.

5 BY MR. TUCKER:

6 Q Immediately under where it says "cab number," Ms. Yaeger,
7 do you see where it says "driver ID"?

8 A Yes.

9 Q What is the driver ID?

10 A That's the driver's license number, the TLC license
11 number.

12 Q Now, how do you know that the data in this document,
13 what's now in evidence 602, relates to this particular driver
14 ID and not another driver?

15 A Because that driver had to enter that ID into the driver
16 monitor before using the vehicle.

17 Q So the information is licensee-specific when a driver is
18 using a cab?

19 A Yes, it is.

20 Q What is this column here "start date," what's the
21 significance of that?

22 A That's the date and time that a particular trip began.

23 Q And that's a particular fare?

24 A Exactly.

25 Q And the "end date," what does that mean?

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1 A That's the end of an individual fare.

2 Q "Total amount," what does that mean?

3 A That's -- that was the total amount paid.

4 Q That's essentially how much the fare was?

5 A Yes.

6 Q And just for the record, Your Honor, we're working from
7 left to right in Government's Exhibit 602.

8 What is this column "DIST_SERVICE"?

9 A That was the distance of the trip.

10 Q And what measure of distance is that, if you know?

11 A In miles.

12 Q The next column is "GPS_START_L0," what is that?

13 A That's the longitude of the beginning of the trip.

14 Q And "GPS_START_LA"?

15 A That's the latitude of the beginning of the trip.

16 Q And Ms. Yaeger, just very generally, what is GPS?

17 A GPS is an AVL, so it's an automatic vehicle locator
18 system, so that it -- it -- we can tell within a few meters
19 where the vehicle is.

20 Q Does GPS stand for global positioning system?

21 A Yes, it does.

22 Q The next column is "GPS_END_L0," what is that?

23 A That's the longitude of the end point of the trip.

24 Q And "GPS_END_LA"?

25 A It's the latitude of the end of the trip.

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1 Q What is "PAYTYPE"?

2 A That's the manner in which it was paid, the fare was
3 paid, so you could do cash or credit card.

4 Q "FROM_ADDRESS"?

5 A That's the nearest address ascertained by the GPS of the
6 beginning of the trip.

7 Q And the "TO_ADDRESS"?

8 A That's the end point of the trip.

9 Q And Ms. Yaeger, does latitude measure how far north or
10 south one is from the equator?

11 A Yes, it does.

12 Q And does longitude measure east and west?

13 A Yes.

14 Q Ms. Yaeger, I'm going to turn your attention to --

15 THE COURT: I'm sorry, east and west from what?

16 MR. TUCKER: I was afraid this was going to happen,
17 Your Honor. I'm going to say the International Date Line,
18 we'll go with that.

19 Does that sound right to you, Your Honor?

20 THE COURT: It's whatever you and the witness say.
21 I'm not testifying. Go ahead.

22 BY MR. TUCKER:

23 Q Ms. Yaeger, I want to direct your attention now to page
24 23 of Government's Exhibit 602, and you might want to turn to
25 your hard copy as well if that helps you. I'm going to turn

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1 your attention to this line here January 25th, 2013.

2 A Okay.

3 Q Can you please tell us what is the start time of this
4 particular fare?

5 A That's 3:22 a.m.

6 Q And what was the time that this fare ended?

7 A 3:30 a.m.

8 Q And now scrolling on this timeline, what was the from
9 address for that fare, 3:22 to 3:30?

10 A That's 351 Bedford Avenue.

11 Q I'm sorry, it's just one line above that.

12 A I'm sorry. That's 105 Second Avenue.

13 Q And what's the end address there?

14 A 440 Kent.

15 Q Now turning your attention to one line lower than that
16 also on January 25th, 2013, what was the start time for this
17 fare?

18 A 3:33.

19 Q And the fare end time?

20 A 3:37.

21 Q And these are in the morning; is that right?

22 A A.m., yes.

23 Q And what's the from address for that fare?

24 A Okay. So that's 351 Bedford Avenue.

25 Q In Brooklyn?

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1 A In Brooklyn, yes.

2 Q And where is the end address there?

3 A 189 Hope Street in Brooklyn.

4 Q Now, Ms. Yaeger, is it possible to use the information in
5 the TLC's records to map out locations where particular fares
6 began and ended?

7 A Yes, it is.

8 Q Can you use that -- do that using the TLC's record
9 system?

10 A Yes.

11 Q So I want to direct your attention to the documents that
12 are in front of you and what have been marked for
13 identification as Government's Exhibits 603 and 604. Let me
14 know when you have those.

15 A I have them.

16 Q Do you recognize those?

17 A Yes, I do.

18 Q What are they?

19 A They're trip records that I printed out for trip number
20 2425 and 2426.

21 Q And do those trip records also reflect maps where those
22 fares began and ended?

23 A Yes, they do.

24 Q And are those printouts accurate from the TLC's records,
25 as far as you know?

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1 A Yes, they are.

2 MR. TUCKER: Your Honor, the Government moves to
3 admit Government's Exhibits 603 and 604 into evidence.

4 THE COURT: Any objection?

5 MR. SOSINSKY: No.

6 THE COURT: They are admitted. You may publish to
7 the jury.

8 MR. TUCKER: Thank you.

9 (Government's Exhibits 603 and 604 were received in
10 evidence.)

11 BY MR. TUCKER:

12 Q Ms. Yaeger, do these maps relate to the two fares that we
13 were just discussing from Government's Exhibit 602?

14 A Yes, they do.

15 THE COURT: Have you put them up?

16 MR. TUCKER: Not yet. I'm going to publish the
17 first one right now, Your Honor.

18 BY MR. TUCKER:

19 Q This was a yes, Ms. Yaeger, to my question?

20 A Yes.

21 Q So let's look first at what's now in evidence as
22 Government's Exhibit 603, which is a two-page document.

23 (The above-referred to exhibit was published.)

24 Q Ms. Yaeger, can you tell us what is the pickup time for
25 this fare?

Yaeger - Direct / Tucker

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1 A The pickup time is 3:22 a.m.

2 Q And the drop-off time?

3 A It's 3:30 a.m.

4 Q And the pickup location?

5 A It's 105 Second Avenue in Manhattan and, yeah.

6 Q And the drop-off location?

7 A It's 440 Kent Avenue in Brooklyn.

8 Q So to be clear, this fare began in Manhattan and ended in
9 Brooklyn; is that right?

10 A Yes.

11 Q So directing your attention to 603 in this first red dot
12 in the center top, what does this dot represent?

13 A That represents the pickup location.

14 Q And how about this dot in the middle right-hand side of
15 Government's Exhibit 603?

16 A That's where the fare ended, the drop-off location.

17 Q Now showing you what's in evidence as Government's
18 Exhibit 604.

19 (The above-referred to exhibit was published.)

20 Q Ms. Yaeger, what's the pickup time for this fare?

21 A It's 3:33 a.m.

22 Q And what's the date?

23 A On January 25th, 2013.

24 Q So the same date as the previous exhibit?

25 A That's right.

Yaeger - Direct / Tucker

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1 Q And what's the drop-off time and date?

2 A January 25th, 2013, 3:37 a.m.

3 Q What is the pickup location?

4 A 351 Bedford Avenue in Brooklyn.

5 Q And the drop-off location?

6 A 189 Hope Street, Brooklyn.

7 Q Just to be clear, both of these addresses are in
8 Brooklyn; is that right?

9 A That's right.

10 Q So I want to turn your attention now, Ms. Yaeger, to the
11 final page of what's already in evidence as Government's
12 Exhibit 602.

13 (The above-referred to exhibit was published.)

14 Q Taking a look at this last line, what is the date of this
15 last fare?

16 A February 24th, 2013.

17 Q And the start date -- the time on the start date?

18 A That's 10:17 p.m.

19 Q That's 22:17 military time?

20 A That's right.

21 Q And the end date and time?

22 A That's February 24th, 2013 and it's 10:32 p.m.

23 Q And to be clear, Ms. Yaeger, would you --

24 THE COURT: Counsel, would you pull that microphone
25 over to you?

Yaeger - Direct / Tucker

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1 MR. TUCKER: I apologize, Your Honor.

2 BY MR. TUCKER:

3 Q To be clear, Ms. Yaeger, you testified earlier that
4 Government's Exhibit 602 reflects data from November 1st, 2012
5 to March 1st, 2013?

6 A That's correct.

7 Q So is it fair to say that there are no additional fares
8 after this last fare on February 24th, 2013 ending at 22:32
9 through the date of March 1st, 2013?

10 A That's correct, that's the last fare.

11 Q Now looking again that last fare, what's the from
12 address?

13 A It's 89 Avenue A.

14 Q And that's in Manhattan?

15 A In Manhattan, yes.

16 Q And the to address, the destination?

17 A That's the Brooklyn-Queens Expressway in Brooklyn.

18 Q Ms. Yaeger, directing your attention to what's been
19 marked for identification but is not yet in evidence
20 Government's Exhibit 605.

21 (The above-referred to exhibit was published to the
22 witness.)

23 Q Do you recognize that document?

24 A Yes, I do.

25 Q And what is it?

Yaeger - Direct / Tucker

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1 A It's a trip route report that I printed out.

2 Q Does this trip route report relate to that fare on
3 February 24th, 2013 that we were just discussing?

4 A Yes, it does.

5 Q And does this map and trip route report accurately
6 reflect the data in the TLC's computer systems?

7 A Yes, it does.

8 MR. TUCKER: Your Honor, the Government moves to
9 admit Government's Exhibit 605 into evidence.

10 THE COURT: Any objection?

11 MR. SOSINSKY: No.

12 THE COURT: It's admitted.

13 (Government's Exhibit 605 was received in evidence.)

14 MR. TUCKER: May we publish, Your Honor?

15 THE COURT: You may.

16 (The above-referred to exhibit was published.)

17 BY MR. TUCKER:

18 Q Looking at the document as a whole, this is Government's
19 Exhibit 605, and again focusing on the top of that, Ms.
20 Yaeger, what's the pickup time?

21 A That's 10:17 p.m.

22 Q On February 24th, 2013?

23 A On February -- I'm sorry, yes, on February 24th, 2013.

24 Q And the drop-off time?

25 A February 24th, 2013 at 10:32 p.m.

Yaeger - Direct / Tucker

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1 Q And what was the pickup location?

2 A 89 Avenue A in Manhattan.

3 Q And the drop-off location?

4 A The Brooklyn-Queens Expressway in Brooklyn.

5 Q Now looking at the map below it on 605, what's the
6 significance of this pushpin here toward the middle top of
7 Government's Exhibit 605?

8 A That represents the pickup location.

9 Q And this pushpin that's, or this red dot that's lower
10 toward the middle of Government's Exhibit 605?

11 A That -- that signifies the drop-off location.

12 Q In Brooklyn?

13 A In Brooklyn.

14 Q One more question for you, Ms. Yaeger. Just directing
15 your attention back to what is in evidence as Government's
16 Exhibit 601.

17 What's the date of birth associated with this
18 individual Mohammad A. Choudhry?

19 A January 12th, 1953.

20 MR. TUCKER: I have no further questions, Your
21 Honor.

22 THE COURT: Any cross?

23 MR. SOSINSKY: No.

24 THE COURT: You may step down, ma'am. Thank you.

25 (Witness leaves the witness stand.)

N. Ajmal - Direct / Tucker

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1 THE COURT: Please call your next witness, sir.

2 MR. TUCKER: Your Honor, the Government calls
3 Nasreen Ajmal Choudhry.

4 (Nasreen Ajmal Choudhry enters the courtroom and
5 takes the witness stand.)

6 THE COURT: Good morning. We have the services of
7 the translator, I see.

8 Please raise your right hand, ma'am.

9 **NASREEN AJMAL CHOUDHRY,**

10 called by the Government, having been first duly
11 sworn, was examined and testified as follows through the
12 interpreter:

13 THE COURT: Please be seated, ma'am.

14 Madam Translator, again I want you to speak into the
15 microphone because you're the one that people will be hearing.

16 I'm going to ask the witness to state her full name
17 and to spell it for the reporter, and then counsel will
18 question.

19 THE WITNESS: Nasreen Ajmal, N-A-S-R-E-E-N
20 A-J-M-A-L.

21 THE COURT: You may enquire, sir.

22 MR. TUCKER: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MR. TUCKER:

25 Q Good morning, Ms. Ajmal.

N. Ajmal - Direct / Tucker

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1 A Good morning.

2 Q Ms. Ajmal, we're going to proceed with the assistance of
3 an interpreter today.

4 Do you understand?

5 A Yes.

6 Q If at any point when I'm asking questions you don't
7 understand my question, please let me know.

8 Do you understand?

9 A Yes.

10 Q In what borough do you currently live?

11 A Brooklyn.

12 Q How old are you?

13 A Twenty-nine years old.

14 Q What's your father's name?

15 A Mohammad Ajmal Choudhry.

16 Q Do you see your father in the courtroom today?

17 A Yes.

18 THE INTERPRETER: She said yes.

19 Q Can you identify your father by an article of clothing?

20 A Gray color. He's sitting on the right side.

21 Q Can you tell us what color shirt he's wearing?

22 A He's wearing coat, I think light gray.

23 Q So that's a light gray suit that he's wearing?

24 A Yes.

25 MR. SOSINSKY: I'll stipulate she's identified my

N. Ajmal - Direct / Tucker

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1 client, Your Honor.

2 THE COURT: Is that acceptable to the Government.

3 MR. TUCKER: If it is to the Court, Your Honor.

4 THE COURT: It is. The witness has clearly
5 identified, both in terms of the articles of clothing and her
6 direction as she looked at the defendant, the defendant as her
7 father. So that is established.

8 You may continue.

9 MR. TUCKER: Thank you, Your Honor.

10 BY MR. TUCKER:

11 Q Ms. Ajmal, what are the names of your sisters?

12 A Oldest name is Tasneem Ajmal, younger one is Yasmin
13 Ajmal, and the youngest one is Amina Ajmal.

14 Q That's Amina, A-M-I-N-A, Ajmal?

15 A A-M-I-N-A.

16 Q Do you have any brothers?

17 A One.

18 Q What's his name?

19 A Shakeel Ajmal Choudhry.

20 Q Where were you born?

21 A Pakistan.

22 Q How far did you go in school?

23 A High school, metric tenth grade.

24 Q Did you attend school in the United States at any time?

25 A Yes, for one year.

N. Ajmal - Direct / Tucker

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1 Q Did you attend the rest of your school in Pakistan?

2 A Yes.

3 Q Are you a United States citizen?

4 A Yes.

5 Q When did you become a United States citizen?

6 A In 2005.

7 Q I think the jury's been able to see this morning, Ms.

8 Ajmal, you do speak and understand a little bit of English; is
9 that right?

10 A Yes.

11 Q And do you read English?

12 A Yes.

13 Q Now, the court has appointed a lawyer to represent you;
14 is that right?

15 A Yes.

16 Q Have you spoken with your lawyer about your testimony
17 here today?

18 A Yes.

19 Q Do you understand that you've been granted immunity for
20 purposes of your testimony here today?

21 MR. SOSINSKY: Objection.

22 THE COURT: Overruled.

23 A Yes.

24 Q Do you understand that immunity means that your testimony
25 here today cannot be used against you in a subsequent court

N. Ajmal - Direct / Tucker

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1 proceeding?

2 MR. SOSINSKY: Objection.

3 THE COURT: Overruled.

4 A Yes.

5 Q Ms. Ajmal, do you also understand that you can still be
6 charged with perjury if you don't tell the truth today?

7 A Yes.

8 Q Ms. Ajmal, do you want to be testifying here today?

9 A Yes.

10 Q Are you married?

11 A Yes.

12 Q What's your husband's name?

13 A Khalil Afzal Choudhry.

14 Q What's the name of Khalil's father?

15 A Mohammad Afzal Choudhry.

16 Q And that's A-F-Z-A-L?

17 A Yes.

18 Q And that's your father's brother; is that right?

19 A Yes.

20 Q How did you meet Khalil?

21 A We lived in the same house since our childhood.

22 Q Where was those houses of childhood that you lived
23 together?

24 A In Pakistan.

25 Q When did you get married?

N. Ajmal - Direct / Tucker

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1 A In 2007, but nikah took place before that.

2 Q When did your nikah take place?

3 A In 2002.

4 Q So you were about 17 years old when you had your nikah?

5 A Yes.

6 Q Was that an arranged marriage?

7 A Yes, they asked me and I so agreed.

8 Q When was that marriage arranged?

9 A In Pakistan.

10 Q When was it arranged?

11 A What do you mean when it was arranged?

12 Q What year was it arranged?

13 A What do you mean by engagement?

14 Q When were you -- when was the decision made that you and
15 Khalil were going to get married?

16 MR. SOSINSKY: Objection to the form.

17 THE COURT: Overruled.

18 A In 2002.

19 Q So it was decided that you were going to marry Khalil the
20 same year that you had your nikah?

21 A Yes.

22 Q Did you have any discussions with your family about your
23 marrying Khalil prior to your nikah?

24 A Discuss about what?

25 Q Did you have any discussions with your family about

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1 whether you were going to marry Khalil prior to your nikah?

2 A Yes, we had discussions.

3 Q Please tell the jury about when you first had a
4 discussion with your family about marrying Khalil.

5 A It was my -- my father, my uncle's decision, but they
6 also ask me if I was agree to this marriage. Yes, I said I
7 have no objection.

8 Q When did that conversation take place?

9 A My father was not there and a conversation took place on
10 the phone.

11 Q What year did that conversation take place?

12 A Before 2002, it was my paternal aunt and she asked me if
13 she will agree. I said okay, it's fine.

14 Q Let me ask it this way, Ms. Ajmal.

15 How old were you when you were asked whether you
16 were willing to marry Khalil?

17 A About 16-and-a-half or 17 years old when they ask me to
18 get engaged.

19 Q Do you have any children?

20 A Yes.

21 Q How many children do you have?

22 A Two.

23 Q How old are they?

24 A Oldest girl is five-and-a-half years old and son is two
25 years old.

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1 Q Ms. Ajmal, before you were married to Khalil, did you
2 have romantic relationships with other men?

3 A No.

4 Q Did you speak with other unmarried men regularly outside
5 of your family?

6 A I was speaking to my family members and the cousins and
7 all them on a regular basis.

8 Q Is your husband Khalil employed?

9 A Yes.

10 Q What does he do?

11 A He's a taxi driver.

12 Q And where is he a taxi driver?

13 A Here in Brooklyn.

14 Q Is your father also a taxi driver?

15 A Yes.

16 Q Did your father and Khalil share the same taxi?

17 A Khalil and my father, they don't drive it, but it is his
18 older brother who drives it.

19 Q Who's older brother?

20 A Jamil Afzal.

21 Q I just want to understand you.

22 You're saying Jamil and your father shared a taxi?

23 A No, it's Jamil and Khalil.

24 Q When your father was driving a taxi, did he share the
25 taxi with anybody?

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1 A My cousin Amir Shahzad.

2 Q Is that Amir Shahzad, A-M-I-R S-H-A-H-Z-A-D?

3 A Yes, he's the one.

4 Q And Amir, he's married to your sister Yasmin, right?

5 A Yes.

6 Q How long are the shifts that your father typically worked
7 as a taxi driver?

8 A He used to drive it -- he was driving a night shift. He
9 used to start his shift around 5:30 in the evening and I do
10 not remember exactly what time in the morning because I used
11 to sleep -- was sleeping at that time, but he -- about 4:00,
12 4:30 he used to finish his shift.

13 Q 4:30?

14 A It's not the exact time, but about that time.

15 Q Ms. Ajmal, do you remember testifying before the grand
16 jury previously?

17 A Yes.

18 Q And in the grand jury I asked you questions and you
19 answered them like we're doing today, right?

20 A Yes.

21 Q And when you testified before the grand jury, you took an
22 oath to tell the truth, as you did today.

23 Do you remember that?

24 A Yes.

25 Q And when you were testifying, the things that you were

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1 saying were being recorded so a transcript could be generated
2 later.

3 Do you remember that?

4 A Yes.

5 Q Ms. Ajmal, do you remember me asking you this question
6 and you giving me this answer: "How long are the shifts that
7 your father Mohammad Ajmal Choudhry typically works as a taxi
8 driver?"

9 "Answer: So he goes about 5:30, 6:30 in the evening
10 and he be back 5:30, 6:00 in the morning."

11 And that's on page 106 and 107.

12 MR. SOSINSKY: Objection.

13 THE COURT: Overruled.

14 Q Do you remember being asked that question and giving that
15 answer, Ms. Ajmal?

16 A Yes.

17 Q Ms. Ajmal, would it be unusual for your father to work
18 less than a 10- to 12-hour shift?

19 THE INTERPRETER: I'm sorry?

20 Q Would it be unusual for your father Mohammad Ajmal
21 Choudhry to work less than a 10- to 12-hour shift?

22 A No. If he had to do something, then he used to stop
23 working early.

24 Q Ms. Ajmal, when you testified before the grand jury on
25 November 1st, 2013, do you remember being asked this question

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1 and giving this answer, and this is on page 139:

2 "Question: Okay. It would be unusual for your
3 father to work less than a 10- or 12-hour shift, right?"

4 "Answer: Yes."

5 MR. SOSINSKY: Objection.

6 THE COURT: Overruled.

7 Q Do you remember being asked that question and giving that
8 answer?

9 A I told you that if he needs to do something and he used
10 to come home and sleep and stop working early. I don't
11 remember if I said that.

12 Q Khalil's father is sometimes referred to as the "Nazim";
13 is that right?

14 A Yes.

15 Q What is a "Nazim"?

16 A It's a political seat. I don't remember exactly how long
17 he held that position, about eight or nine years.

18 Q What does a "Nazim" do?

19 A "Nazim" is when people work for him and he's elected. He
20 work for the village, for example, road construction and
21 electricity, these kind of works.

22 Q Just so we're clear, we're talking about Afzal; is that
23 right?

24 A Yes.

25 Q When you became a United States citizen, Ms. Ajmal, did

N. Ajmal - Direct / Tucker

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1 you have to complete any official immigration paperwork?

2 A Yes, I had fill them out.

3 MR. TUCKER: I'm sorry, I couldn't understand the
4 interpreter.

5 THE INTERPRETER: "I would filled them out."

6 Q You filled them out; is that right?

7 A It's not me. It was my father, yes.

8 Q So your father filled out the paperwork for you; is that
9 right?

10 A Yes.

11 MR. TUCKER: I would like to show just the witness
12 what's been marked for identification as Government's Exhibit
13 503.

14 (The above-referred to exhibit was published to the
15 witness.)

16 Q Ms. Ajmal, can you see that on your monitor?

17 A Yes.

18 Q I'm going to flip through the pages so that you can see
19 them. The document is a ten-page document.

20 (Pause.)

21 A Yes.

22 Q Can you see that document, Ms. Ajmal?

23 A Yes.

24 Q Do you recognize it?

25 A Yes.

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1 Q What is it?

2 A These are the papers regarding to fill out for the -- to
3 become citizen for the immigration purpose.

4 Q Were these your immigration papers, your application to
5 become a United States citizen?

6 A Yes.

7 Q And this is the document that you said your father filled
8 out for you?

9 A Yes.

10 Q And on the last page here, is this your signature in
11 three locations?

12 A Yes.

13 MR. TUCKER: Your Honor, the Government moves to
14 admit Government's Exhibit 503 into evidence.

15 THE COURT: Any objection?

16 MR. SOSINSKY: Yes.

17 THE COURT: Overruled. You may admit it.

18 (Government's Exhibit 503 was received in evidence.)

19 MR. TUCKER: May we publish?

20 THE COURT: Publish.

21 (The above-referred to exhibit was published.)

22 BY MR. TUCKER:

23 Q Ms. Ajmal, just looking at the first page of Government's
24 Exhibit 503, do you see where it says "application for
25 naturalization"? Do you see that?

N. Ajmal - Direct / Tucker

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1 A Yes.

2 Q And here it says Nasreen as the given name and the family
3 name Ajmal.

4 Do you see that?

5 A Yes.

6 Q And that's your name, right?

7 A Yes.

8 Q And it lists here on page two as your address 49
9 Parkville Avenue in Brooklyn.

10 Do you see that?

11 A Yes.

12 Q Did you live at 49 Parkville Avenue at some time?

13 A Yes.

14 Q Here on page four of the document it lists "spouse's name
15 Khalil Choudhry, Khalil Afzal Choudhry."

16 Do you see that?

17 A Yes.

18 Q And that's your husband, right?

19 A Yes.

20 Q And it says that he's from the Gujrat district?

21 A Yes.

22 Q That's G-U-J-R-A-T?

23 A Yes.

24 Q And this document indicates that you married Khalil on
25 6/8, or June 8th, 2002; is that right?

N. Ajmal - Direct / Tucker

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1 A It's the date of nikah.

2 Q The date of the nikah.

3 Can you just remind us what a nikah is?

4 A It's mandatory before you get married to -- that nikah
5 should take place before that.

6 Q And what happens at a nikah?

7 A Like they mention the name of a bride and groom and the
8 witnesses.

9 Q And what happens after that?

10 A How should I explain it to you?

11 Q Please just tell the jury about what happens at a nikah.

12 A Nikah is mandatory for the bride and the groom before
13 they become husband and wife.

14 Q Does the bride have to do anything at the nikah?

15 A They ask the bride, like me, do you agree to marry the
16 husband, Khalil. Then we signed on the document.

17 Q Actually, at a nikah you're asked several times whether
18 you agree to marry the man; isn't that right?

19 A Three times.

20 Q That's part of the ceremony, right?

21 A Yes.

22 Q Now, I want to turn your attention here to page ten of
23 what's now in evidence as Government's Exhibit 503.

24 Whose signature is that?

25 A Mine.

N. Ajmal - Direct / Tucker

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1 Q Now, you told us earlier that your father filled out the
2 paperwork that's Government's 503, right?

3 A Yes.

4 Q But who actually signed your name here? Who put the pen
5 to the paper?

6 A They asked me to sign on the document.

7 Q And did you sign?

8 A Yes.

9 Q So that's your signature, you put the pen to the paper
10 there, right?

11 A Yes.

12 Q And this date here April 28th, 2004, is that the date
13 that you signed the document?

14 A 2004, yes.

15 Q And how do you spell your name here? Can you spell
16 these letters out for the jury and for the court reporter?

17 A A-J-M-A-L.

18 Q So that was A-J-M-A-L? So this is a J here
19 (indicating)?

20 A Yes.

21 Q Looking down in the middle of Government's Exhibit 503,
22 whose signature is this?

23 A Mine.

24 Q And you signed there as well?

25 A Yes.

N. Ajmal - Direct / Tucker

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1 Q And how about here at the bottom of page ten of
2 Government's 503 (indicating)?

3 A It's mine.

4 MR. TUCKER: One moment, Your Honor.

5 (Pause.)

6 Q You said that they asked you to sign this document,
7 Government's Exhibit 503.

8 Who is they?

9 A I'm sorry, what do you mean by who they were?

10 Q Who asked you to sign the document?

11 A My father, yes.

12 Q Anyone else besides your father? You said "they," which
13 suggests more than one person.

14 A No, I don't remember.

15 Q Ms. Ajmal, when you married Khalil, was that -- did the
16 nikah happen in the United States or in Pakistan?

17 A In Pakistan.

18 Q Did you have a wedding celebration after that?

19 A Yes.

20 Q That was later you said in 2007?

21 A Yes.

22 Q Now, at the time that you and Khalil had your nikah, was
23 Khalil a United States citizen?

24 A No.

25 Q Khalil is currently a green cardholder, right?

N. Ajmal - Direct / Tucker

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1 A Yes.

2 Q And you're a United States citizen now?

3 A Yes.

4 Q Do you have a United States passport?

5 A Yes.

6 Q Did you have to fill out paperwork to get the passport?

7 A Yes.

8 Q Did you fill that paperwork out, or did somebody else?

9 A I don't remember it.

10 Q Well, let me show you, just for the witness, what's been
11 marked for identification as Government's Exhibit 504.

12 (The above-referred to exhibit was published to the
13 witness.)

14 Q Ms. Ajmal, do you recognize this document?

15 A Yes.

16 Q What is it?

17 A It's the same application for the passport.

18 Q This is your passport application?

19 A Yes.

20 Q And is this your signature here on the second page?

21 A Yes.

22 MR. TUCKER: Your Honor, the Government moves to
23 admit Government's Exhibit 504 into evidence.

24 THE COURT: Any objection?

25 MR. SOSINSKY: Yes.

N. Ajmal - Direct / Tucker

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1 THE COURT: Overruled. It's admitted.

2 (Government's Exhibit 504 was received in evidence.)

3 MR. TUCKER: May we publish, Your Honor?

4 THE COURT: You may.

5 (The above-referred to exhibit was published.)

6 BY MR. TUCKER:

7 Q So Ms. Ajmal, looking here at the top of Government's
8 Exhibit 504, what's the last name here?

9 A Yes, A-J-M-A-L.

10 Q And the first name?

11 A N-A-S-R-E-E-N.

12 Q And that's you, Nasreen Ajmal, right?

13 A Yes.

14 Q Now, did you fill out this page yourself?

15 A No.

16 Q Who filled it out?

17 A My brother Shakeel filled it.

18 Q So Shakeel is the person who actually put pen to paper to
19 fill out this document, right?

20 A Yes.

21 Q And who's this photograph here in the middle of 504?

22 THE INTERPRETER: I'm sorry?

23 Q Who is this person in the photograph in the middle of
24 504?

25 A Mine.

N. Ajmal - Direct / Tucker

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1 Q Just looking at the second page here of Government's
2 Exhibit 504, I asked you this before, but the jury couldn't
3 see it, whose signature is that right there (indicating)?

4 A Mine.

5 Q Who actually signed this document?

6 A I did it.

7 Q Now looking at the third page and the final page of
8 Government's Exhibit 504, there is a handwritten note.

9 Do you see that?

10 A Yes.

11 Q This note reads: My name is Nasreen Ajmal.

12 A Yes.

13 Q "And my address is 49 Parkville Avenue in Brooklyn."

14 A Yes.

15 Q And it says: "I know that my hair is cover. That's a
16 religious matter."

17 A Yes.

18 Q And it says: "Sincerely, Nasreen Ajmal."

19 Do you see that?

20 A Yes.

21 Q Who wrote that note?

22 A Brother Shakeel.

23 Q Shakeel wrote that.

24 I'm going to zoom in here, it's a little hard to
25 see.

N. Ajmal - Direct / Tucker

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1 Do you see that signature underneath where it says
2 "Sincerely, Nasreen Ajmal"?

3 A Yes.

4 Q And do you see where I've made that mark on the screen
5 where it says something else?

6 A Yes.

7 Q What is that?

8 A It's my signature.

9 Q So did you actually put the pen to paper and sign that?

10 A Yes.

11 MR. TUCKER: If I can ask the jurors' screens to be
12 turned off for a moment.

13 Q Ms. Ajmal, I'm showing you what has been marked for
14 identification as Government's Exhibit 504.

15 MR. TUCKER: I'm sorry, Your Honor, it's 405. I
16 misspoke.

17 THE COURT: 405, is that the number?

18 MR. TUCKER: Yes, Your Honor.

19 THE COURT: All right, 405. You may continue.

20 (The above-referred to exhibit was published to the
21 witness.)

22 BY MR. TUCKER:

23 Q Do you recognize this document, Ms. Ajmal?

24 A Yes.

25 Q And is this your signature in the upper right-hand

N. Ajmal - Direct / Tucker

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1 corner?

2 A Yes.

3 MR. TUCKER: Your Honor, the Government moves to
4 admit Government's Exhibit 405 into evidence.

5 THE COURT: Any objection?

6 MR. SOSINSKY: No.

7 THE COURT: Overruled.

8 Go ahead.

9 MR. TUCKER: I think the --

10 THE COURT: No objection?

11 MR. TUCKER: No objection.

12 THE COURT: All right. Continue.

13 (Government's Exhibit 405 was received in evidence.)

14 MR. TUCKER: May we publish, Your Honor?

15 THE COURT: You may.

16 (The above-referred to exhibit was published.)

17 BY MR. TUCKER:

18 Q Ms. Ajmal, this is a subpoena to testify before the grand
19 jury; is that right?

20 A Yes.

21 Q And is this the signature that you were testifying about
22 earlier, your signature?

23 A Yes.

24 Q And did you actually sign that document?

25 A Yes.

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1 Q So you put the pen to paper?

2 A Yes.

3 Q Ms. Ajmal, when were you last in Pakistan?

4 A Don't remember exactly, but some time in 2009.

5 Q Is that when you traveled to Pakistan most recently?

6 A Yes.

7 Q And did you return to the United States in about 2011?

8 A Yes.

9 Q When you were in Pakistan during this period from about
10 2009 to 2011, where did you stay?

11 A At my house in Pakistan.

12 Q Was that in Chiryawala?

13 A Yes.

14 Q Was your uncle Mohammad Akmal, A-K-M-A-L, Choudhry
15 staying with you at your home in Chiryawala during that time?

16 A Yes.

17 Q Where does Akmal live right now?

18 A I don't know.

19 Q When was the last time that you spoke with Akmal?

20 A A long time ago.

21 Q When was that?

22 A About 10, 11 months. I don't know exactly how long ago,
23 about how much, that time.

24 Q Where was Akmal when you spoke with him 10 or 11 months
25 ago?

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1 THE INTERPRETER: I didn't hear her, whatever her
2 response was.

3 THE COURT: Why don't you read the question back,
4 translate it again, and then ask the witness to respond.

5 (The requested portion of the record was read back
6 by the Official Court Reporter.)

7 A As I told you, I didn't know where he was, but he called
8 on my brother Shakeel's phone.

9 Q When you spoke with him on the phone, when you spoke with
10 Akmal on the phone, did you ask him where he was?

11 A No, I didn't ask him that.

12 Q Why didn't you ask him?

13 A I didn't ask him. I didn't felt that it was necessary to
14 ask him where he was.

15 Q How does your family earn money in Pakistan?

16 THE INTERPRETER: Interpreter didn't hear.

17 THE COURT: How does your family earn money in
18 Pakistan, was the question.

19 A How they earn money? We have -- we own land and we have
20 one shop.

21 THE COURT: What kind of shop?

22 THE WITNESS: Like in Pakistan they sell gas
23 cylinders.

24 THE COURT: Go ahead.

25

N. Ajmal - Direct / Tucker

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1 BY MR. TUCKER:

2 Q Is Chiryawala a safe place?

3 A Yes.

4 Q Is it safe to walk around Chiryawala at daytime and
5 nighttime?

6 A Yes, there's not much danger. You can walk around.

7 Q Is there a lot of gun violence in Chiryawala?

8 A No.

9 Q Does your family own a lot of property and have a lot of
10 wealth in Chiryawala?

11 MR. SOSINSKY: Objection to the form.

12 THE COURT: Overruled.

13 A Yes, we have a lot of property, but other peoples also
14 own.

15 Q Do people come to your father-in-law, your uncle Mohammad
16 Afzal, A-F-Z-A-L, Choudhry if they have disagreements?

17 A Yes.

18 Q How much younger is your sister Amina than you?

19 A Five years.

20 Q Was Amina a serious student?

21 A Yes.

22 Q Was she good in her studies?

23 A Yes.

24 Q Did Amina travel from the United States to Pakistan to
25 attend Fatima's wedding?

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1 A Yes.

2 Q When?

3 A In 2009.

4 Q How are you related to Fatima?

5 A She's my uncle Akmal's daughter.

6 Q In 2009 when Amina came to Pakistan for Fatima's wedding,
7 where were you living?

8 A In Pakistan.

9 Q Who did Amina travel to Pakistan with in 2009?

10 A With my father.

11 Q Was Amina still a student when she came to Pakistan with
12 your father in 2009?

13 A Yes.

14 Q Did Amina return to the United States after Fatima's
15 wedding?

16 A No.

17 Q Did your father return to the United States after
18 Fatima's wedding?

19 A Yes.

20 Q How long after?

21 A I think about staying over there after one month.

22 Q So your father stayed in Pakistan for about one month?

23 A I think so. I don't remember exactly for how long.

24 Q You returned to Pakistan in 2011, right?

25 A Yes.

N. Ajmal - Direct / Tucker

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1 Q Have you stayed in the United States since 2011?

2 A Yes.

3 Q Is Amina married?

4 A Yes.

5 Q Who is she married to?

6 A A cousin, Abrar Ahmed Babar.

7 Q Is that Babar, B-A-B-A-R?

8 A Yes, B-A-R -- B-A-B-A-R.

9 MR. TUCKER: Just to help the reporter, that was
10 B-A-B-A-R. I may have misspoken there.

11 Q Did Amina have a nikah?

12 A Yes.

13 Q When was that?

14 A 2012.

15 Q Were you present for the nikah?

16 A No.

17 Q Was that nikah in March 2012?

18 A Yes.

19 Q Did she have a public wedding celebration after her
20 nikah?

21 A Yes.

22 Q When was that?

23 A November 2012.

24 Q That's November 2012?

25 A Yes.

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1 Q Where did Amina's nikah take place, if you know?

2 A In Pakistan.

3 Q Where in Pakistan?

4 A In Chiryawala in our house.

5 Q Is Babar, Amina's husband, a United States citizen?

6 A No.

7 Q Where does Babar live right now?

8 A I don't know.

9 Q Does he live in Chiryawala?

10 A I don't know if he is in Chiryawala.

11 Q Has Babar applied for a visa to come to the United
12 States?

13 A Yes.

14 Q How do you know that?

15 A I found it from my family members.

16 Q Your family members told you?

17 A Yes. Amina told me that she told her father that he
18 should apply for Babar.

19 Q So Ms. Ajmal, just so I'm clear, you're saying Amir
20 Shahzad told you that Babar should apply for a visa?

21 THE INTERPRETER: She's saying it's not Amir
22 Shahzad. It was Amina who told her.

23 Q I apologize, I think I misheard you.

24 So Amina said that Babar should apply for a visa?

25 A Yes.

N. Ajmal - Direct / Tucker

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1 THE COURT: Who did Amina say that to?

2 THE WITNESS: She spoke to me and she told me that
3 she had told this her father to do.

4 THE COURT: Where did this conversation take place,
5 in person or on the telephone?

6 THE WITNESS: On the phone.

7 THE COURT: And when did this conversation take
8 place?

9 THE WITNESS: After her marriage. I don't remember
10 the date.

11 THE COURT: And where were you when you were on the
12 phone talking with her?

13 THE WITNESS: I was here in the United States.

14 THE COURT: And where do you understand Amina to
15 have been when she was talking to you?

16 THE WITNESS: At Babar's house.

17 THE COURT: And why do you have that understanding?

18 THE WITNESS: She told me that she had spoken to her
19 father. I ask her, "When are you coming back?"

20 THE COURT: What did she say?

21 THE WITNESS: And she said, "I had asked my father
22 to apply for Babar. If it gets approval sooner, then we will
23 come together."

24 THE COURT: Go ahead.

25 MR. TUCKER: Thank you, Your Honor.

N. Ajmal - Direct / Tucker

903

1 BY MR. TUCKER:

2 Q Ms. Ajmal, I want to show you what's in evidence as
3 Government's Exhibit 501.

4 (The above-referred to exhibit was published.)

5 Q Take a moment. Can you see that on your screen?

6 A Yes.

7 Q Do you recognize this document?

8 A Yes, I had seen it.

9 Q What is it?

10 A I had not seen it before and it was shown to me before
11 the jury.

12 Q So you're referring to your previous grand jury
13 testimony?

14 A Yes, I had seen that at that time.

15 Q So that was on November 1st, 2013?

16 A Yes.

17 Q Had you seen this document before your testimony before
18 the grand jury?

19 A No, I did not see it before that.

20 Q I'm going to direct your attention to the second page,
21 which is a white piece of paper, of Government's Exhibit 501.

22 Is this name Amina Ajmal?

23 A Yes.

24 Q And this document indicates that Amina's residence for
25 the last five years, or at least for the period between August

N. Ajmal - Direct / Tucker

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1 2008 and the present when this document was signed in 2012,
2 was 817 Foster Avenue in Brooklyn; is that right?

3 A Yes.

4 Q I'm looking on the bottom of this white piece of paper,
5 the second page of Government's Exhibit 501, what is the date
6 here of this signature?

7 A December 1st, 2012.

8 Q Whose signature is that?

9 A It's Amina's name.

10 Q My question was whose signature is that, Ms. Ajmal?

11 A I don't know.

12 Q Ms. Ajmal, were you living in Brooklyn in December 2012?

13 A Yes.

14 Q On December 1st, 2012?

15 A Yes.

16 Q Was Amina living in Brooklyn on December 1st, 2012?

17 A No.

18 Q You understand that you're under oath today, right, Ms.
19 Ajmal?

20 MR. SOSINSKY: Objection.

21 THE COURT: Overruled.

22 A Yes.

23 Q Is that your signature?

24 A No.

25 Q Did you put the pen to paper there, Ms. Ajmal?

N. Ajmal - Direct / Tucker

905

1 A No.

2 Q You understand that you have immunity, do you not?

3 A Yes.

4 Q But your testimony is that that is not your signature?

5 A Yes.

6 Q Did Amina return to the United States after she was
7 married to Babar?

8 A She came.

9 MR. TUCKER: Your Honor, if we can just turn the
10 jury's screens on for one more moment.

11 THE COURT: Sure.

12 Q One more question, Ms. Ajmal, about Government's Exhibit
13 501. This is the first page, the yellow page.

14 (The above-referred to exhibit was published.)

15 Q This signature here also dated December 1st, 2012.

16 Do you see that?

17 A Yes.

18 Q Do you recognize this signature?

19 A No.

20 Q Is that Amina's signature?

21 A No, I don't think so.

22 Q Is that your signature?

23 A No.

24 Q Do you know who signed that document, Ms. Ajmal?

25 A No, I did not.

N. Ajmal - Direct / Tucker

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1 THE COURT: Do you know who signed it?

2 THE WITNESS: Father did.

3 THE COURT: Whose father?

4 THE WITNESS: Mohammad Ajmal Choudhry.

5 THE COURT: And how do you know that?

6 THE WITNESS: When I came here last time before the
7 jury, I went home and I asked him.

8 THE COURT: What did he say?

9 THE WITNESS: And he told me that he did it.

10 THE COURT: Go on.

11 BY MR. TUCKER:

12 Q Ms. Ajmal, you were testifying that Amina came back to
13 the United States after her wedding?

14 A Currently she's living here.

15 Q Did Babar come back with her to the United States?

16 A No.

17 Q Ms. Ajmal, I'm going to show you what's in evidence as
18 Government's Exhibit 17.

19 (The above-referred to exhibit was published.)

20 Q Do you recognize the person shown in that photograph?

21 A Yes.

22 Q Who is it?

23 A He's from my village. He's Asghar.

24 Q That's A-S-G-H-A-R?

25 A Yes.

N. Ajmal - Direct / Tucker

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1 Q Did there come a time when you learned that Asghar had
2 been killed in Pakistan?

3 A Yes.

4 Q How did you learn about that?

5 A My older sister -- from my older sister Tasneem.

6 Q Was Tasneem in Pakistan at that time?

7 A Yes.

8 Q Did you speak with her on the phone?

9 A Yes.

10 Q Is that how you initially learned about the death?

11 A First I found it from my family. Then I spoke to
12 Tasneem.

13 Q What members of your family did you first learn about
14 Asghar's death in Pakistan?

15 A I woke up in the morning. My aunt and my sister-in-law,
16 they were up in the upper portion. They were discussing that.
17 They were little bit upset. I asked them what happened and
18 they told me that he had been murdered.

19 THE COURT: Who had been murdered?

20 THE WITNESS: Asghar.

21 THE COURT: Go ahead.

22 BY MR. TUCKER:

23 Q What time of morning was that?

24 A Some time between 6:30 and 7:30.

25 Q So that's 6:30 and 7:30 in the morning?

N. Ajmal - Direct / Tucker

908

1 A Yes.

2 Q And you said your aunt and your sister-in-law?

3 A Yes.

4 Q Was that your aunt Nasree, N-A-S-R-E-E?

5 A Yes.

6 Q And what's the name of your sister-in-law?

7 A Tahseen, T-A-H-S-E-E-N, Afzal.

8 Q That's T-A-H-S-E-E-N?

9 A Yes.

10 Q And you said this conversation was happening in the upper
11 portion.

12 The upper portion of what?

13 A In the room.

14 Q What floor of your house did that discussion take place
15 on?

16 A Third.

17 Q The third floor of your house?

18 A Yes.

19 Q When did you understand, based on this discussion that
20 you were overhearing, that Asghar had been killed?

21 A Because I knew Asghar.

22 Q Just listen to my question.

23 When did you understand that Asghar had been killed,
24 how much earlier?

25 A As I told you, it was some time between 6:30 and 7:30

N. Ajmal - Direct / Tucker

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1 when I woke up.

2 Q How much prior to when you woke up did you understand
3 that Asghar had been killed?

4 MR. SOSINSKY: Objection.

5 THE COURT: Overruled.

6 A I didn't ask them how long ago it took place.

7 Q Did you understand that it was the same day?

8 A Yes.

9 Q Who else was present besides your aunt Nasree and your
10 sister Tasneem?

11 A My husband was there.

12 Q Was your father also present?

13 A No, he was not there. I don't remember, but I think he
14 was not there.

15 THE COURT: Which is it, you don't remember or you
16 think he was not there?

17 THE WITNESS: No, he was not there.

18 BY MR. TUCKER:

19 Q Ms. Ajmal, do you remember testifying before the grand
20 jury?

21 A Yes.

22 Q Do you remember being asked these questions and giving
23 these answers.

24 MR. TUCKER: Counsel, I'm referring to page 101.

25 Q "Question: So how did you find out that Mohammad Ajmal

N. Ajmal - Direct / Tucker

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1 Choudhry and Shakeel spoke with somebody in Pakistan?"

2 "Answer: When she woke up, they were talking about
3 it."

4 "Question: What were they saying?"

5 "Answer: She spoke and they -- it was -- there was
6 murder in Pakistan."

7 "Question: This conversation is between your
8 brother Shakeel and your father Mohammad Ajmal Choudhry,
9 right?"

10 "Answer: Everybody who's in the family member, like
11 Amir, my husband Khalil, father, mother-in-law, everybody
12 sitting in the room."

13 "Question: Which room did the conversation happen
14 in?"

15 "Answer: On the third floor."

16 THE COURT: All right. Now we're going to have that
17 question read back, and the answer that you're seeking is were
18 you asked this question and did you give this answer.

19 So why don't you read them back, Madam Reporter,
20 break down, and you translate each question.

21 (The requested portion of the record was read back
22 by the Official Court Reporter.)

23 BY MR. TUCKER:

24 Q Ms. Ajmal, were you asked those questions, and did you
25 give those answers to the grand jury under oath on November

1 1st, 2013?

2 A Yes, I don't remember it at the moment that I answered
3 exactly those answers, but I think so, yes, I did.

4 Q Having heard your prior sworn testimony, does that
5 refresh your memory that your father was, in fact, present on
6 that morning?

7 A I don't think my father was there, but other families
8 were present.

9 MR. TUCKER: Your Honor, I have nothing further.

10 THE COURT: All right. Your witness.

11 CROSS-EXAMINATION

12 BY MR. SOSINSKY:

13 Q Good morning, ma'am. How are you?

14 A I'm fine.

15 Q Do you recall this morning the prosecutor asking you
16 certain questions about statements that you made in the grand
17 jury in November of 2013? Do you remember that?

18 A Yes.

19 Q And one of the questions that the prosecutor asked you
20 about after you testified here in court first was about what
21 time in general your father would go in to work and drive a
22 taxi, right? You remember questions about that?

23 A Yes.

24 Q And you told the jury that your father would usually go
25 in to work at about 5:30 or so, right?

N. Ajmal - Cross / Sosinsky

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1 A Yes.

2 Q And you said that he would typically come home at about
3 4:30 or so, right?

4 A Yes.

5 Q And then the prosecutor read the following question and
6 answer and asked you about it. This is --

7 A Yes.

8 MR. SOSINSKY: This is on page 106, line 23, judge.
9 This was read to her earlier.

10 Q I'm going to do it again. Please listen to the question
11 and answer that was posed to you earlier.

12 A Okay.

13 Q "Question: How long are the shifts that your father
14 Mohammad Ajmal Choudhry typically works as a taxi driver?"

15 And your answer in the grand jury: "So he goes
16 about 5:30, 6:30 in the evening and be back 5:30, 6:00 in the
17 morning."

18 A Yes.

19 Q Okay. And is that true?

20 A Yes.

21 Q Did you go on to testify in the grand jury on November
22 1st, 2013 the very next question and answer as follows, this
23 is line 2 on page 107:

24 "Question: Okay. So he works for about twelve
25 hours?"

1 And your answer then: "Sometimes if he has to work
2 something around the house, he will do, come back early and
3 then get it done."

4 Did you answer that way when asked that question as
5 well in the grand jury?

6 A Yes.

7 Q And is it true that there are instances when your father
8 would come home much earlier than he would on some other
9 nights?

10 A Yes, he used to.

11 Q Now, I'm going to turn your attention to another question
12 that the prosecutor put to you after you told the jury that
13 your father typically would go to work at about 5:30 in the
14 afternoon and come home, you told us, about 4:30 in the
15 morning.

16 Please listen to the following question and answer
17 that you were asked earlier by the prosecutor.

18 A Okay.

19 Q At page 138, line 21 you were asked:

20 "Question: And you said he worked about a
21 twelve-hour shift, you said, right?"

22 And your answer in the grand jury: "Yes, ten hour,
23 twelve hour."

24 A Yes.

25 Q You were then asked in the grand jury on November 1, 2013

1 the following question, gave the following answer:

2 "Question: Sorry, I couldn't understand you."

3 And did you then answer: "Ten hour, twelve hour,
4 like this, yes"?

5 A Yes.

6 Q Were you then asked the following question, this is at
7 page 139, line 1:

8 "Question: Okay. It would be unusual for your
9 father to work less than a ten- or twelve-hour shift, right?"

10 And your answer at that time was: "Yes."

11 Right?

12 A Yes.

13 Q And then were you asked the following question at line
14 four of that very same proceeding, ma'am:

15 "Question: Do you want to slow that down so?"

16 THE INTERPRETER: Excuse me?

17 MR. SOSINSKY: If you can just translate.

18 (Continued on following page.)

19

20

21

22

23

24

25

1 BY MR. SOSINSKY:

2 Q The question posed on that line was, quote, do you want to
3 slow down that down so?

4 And your answer to that question or comment was, "If
5 he has to get like the car fixed or something, he would come
6 home early. If there was any appointments, he would come home
7 early, too."

8 Were you asked those questions and did you provide
9 those answers to that very same grand jury that you were asked
10 questions about by the prosecutor?

11 A Yes.

12 Q So let me ask you, there were occasions based on the time
13 you lived with your father when he would come home earlier
14 than other nights, right?

15 A Yes, he used to come early.

16 Q Now, when you lived in Pakistan, between 2009 and 2011,
17 Amina, your sister, lived there during a portion of that
18 period of time, as well, correct?

19 A Yes.

20 Q And can you tell us when Amina was living in Pakistan,
21 whose bedroom or what bedroom did she stay asleep in?

22 A She was sleeping with my Uncle Akmal's daughter, with
23 Isha.

24 Q Can you spell that, please?

25 A Yes, I-S-H-A.

N. Ajmal - Cross / Sosinsky

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1 Q And you told us that when Amina had her nikah in March of
2 2011, did you did not attend, correct?

3 A Right.

4 Q You were here in Brooklyn at the time?

5 A Yes.

6 Q And why couldn't you go to the nikah?

7 A My daughter was attending school at the time.

8 Q And what about the wedding celebration that took place in
9 November of 2012, did you attend that?

10 A No.

11 Q And why was that? Why did you not or could you not
12 attend the wedding celebration?

13 A Because everybody -- my daughter was going to school at
14 that time, and everybody had left on, and my husband and I and
15 his brother, they were here.

16 Q Now, when you were in Pakistan and Amina was in Pakistan,
17 did Amina ever complain to you about the topic or subject of
18 marrying Babar, her husband?

19 A What you mean by that, if she had ever discussed that
20 matter to me?

21 Q Did she ever complain to you --

22 A No.

23 Q -- about marrying Babar?

24 A No, not with me, she didn't discuss it.

25 Q Did she ever tell you that she wanted to marry this other

1 fellow, Shujat Abbas?

2 A No. She did not talk to me -- talk to me about that.

3 Q Do you know where Dubai is in relation to Pakistan? Is
4 it close or far from Pakistan as compared with New York?

5 A I don't exactly how long it takes from Pakistan to Dubai,
6 takes about three-and-a-half hours.

7 Q And you were shown a picture of the person you said you
8 recognized from the village who you identified as Asghar, do
9 you remember that, when you were just shown a few minutes ago
10 a photograph of that person?

11 A Yes.

12 Q And Asghar and his family lived in the same village in
13 Pakistan that your family did, right, in Chiryawala?

14 A Yes.

15 Q And Asghar had a son named Shujat Abbas, right?

16 A Yes.

17 Q And Shujat Abbas lived from time to time in the Village
18 of Chiryawala, from 2009 through 2013, correct?

19 A In Chiryawala?

20 Q In Chiryawala.

21 A From 2009 to 2012?

22 Q My question is, at various times during that time period,
23 from 2009 through 2013, if you know, Shujat Abbas lived in
24 Chiryawala?

25 A Yes, I came back in 2011. I did not see him there.

N. Ajmal - Redirect / Tucker

918

1 Maybe he was living there.

2 Q Okay. Did you see -- when you were in Pakistan between
3 2009 and 2011, did you see your Uncle Akmal strike physically
4 your sister Amina?

5 A No.

6 Q Did you ever see or hear your Uncle Akmal take a gun and
7 point it out or reach for a gun and point it at your sister,
8 Amina, while you were in Pakistan between '09 and 2011?

9 A No, I did not see that.

10 Q Did your sister Amina ever complain to you about how mean
11 her Uncle Akmal was to her?

12 A No.

13 MR. SOSINSKY: No further questions.

14 THE COURT: Any redirect?

15 MR. TUCKER: One brief question, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. TUCKER:

18 Q Ms. Ajmal --

19 A Yes.

20 Q -- does it hurt your family's reputation that Amina ran
21 away?

22 THE TRANSLATOR: Would you please repeat it?

23 BY MR. TUCKER:

24 Q Does it hurt your family's reputation that Amina ran away?

25 A It didn't hurt, but it's not nice that if a man and woman

N. Ajmal - Redirect / Tucker

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1 run away like this.

2 Q Ms. Ajmal, when you testified before the grand jury on
3 November 1st, 2013. Do you remember being asked this question
4 and giving this answer, 115:

5 Question: "Does it hurt your family's reputation
6 that Amina ran away?"

7 Answer: "Yes. And they're still trying to figure
8 out why did she ran away."

9 Do you remember being asked that question and giving
10 that answer, Ms. Ajmal?

11 A Yes. Yes, I told them that I didn't know the reasons why
12 she left.

13 MR. TUCKER: No further questions, sir.

14 THE COURT: You may step down.

15 All right, ladies and gentlemen. We're going to
16 take our fifteen-minute break now. It's about ten to noon.
17 Take maybe 20 minutes. Come back at 12:10, okay? And then
18 we'll aim to break a little bit after one for lunch.

19 So do not talk about the case, and if you run into
20 the lawyers, they're not being rude, they're just being
21 lawyers.

22 (Jury exits.)

23 THE COURT: All right. The jury has left the
24 courtroom. Do we have any procedural issues to address while
25 the jury is out?

Proceedings

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1 MR. TUCKER: Not from the government.

2 MR. SOSINSKY: No, sir.

3 THE COURT: Thank you. We'll take our 20-minute
4 break.

5 MR. TUCKER: Thank you, Your Honor.

6 (Recess.)

7 THE CLERK: All rise.

8 THE COURT: You may be seated. Bring Mr. Choudhry
9 in, please.

10 (Defendant enters.)

11 Do you have any procedural issues, now that Mr.
12 Choudhry's here, before we bring in the jury?

13 MR. TUCKER: Not from the government. Do you want
14 to bring the jury in, Your Honor, or should we put our witness
15 on the stand?

16 THE COURT: Why don't you put the witness on the
17 stand? That will help things along.

18 MR. TUCKER: Certainly, Your Honor. We're going to
19 call Special Agent Matthew Maguire.

20 THE COURT: Why don't you have him and we'll swear
21 him in?

22 The jury's here.

23 How long do you expect to go with the witness?

24 MR. TUCKER: I think a half an hour. We're putting
25 in a lot of evidence here. That's basically it.

Proceedings

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1 THE COURT: All right.

2 Do we have the tech back, by the way? Do we know?

3 Are you calling for him?

4 I'm just asking the interpreters, are the earphones
5 working now?

6 THE INTERPRETER: Yes, sir.

7 THE COURT: They're working?

8 THE INTERPRETER: They are, Your Honor. Thank you.

9 THE COURT: You're welcome.

10 (Jury enters.)

11 THE COURT: Thank you, ladies and gentlemen of the
12 jury, please be seated, and we're resuming with a new witness.
13 Would you please swear the witness.

14

15 MATTHEW MAGUIRE,

16 called by the Government, having been first duly
17 sworn, was examined and testified as follows:

18 THE COURT: Please be seated, sir, and state your
19 full name and spell it for the court reporter, and then
20 counsel will inquire.

21 THE WITNESS: My name is Matthew Maguire,
22 M-A-G-U-I-R-E.

23 THE COURT: Please proceed.

24 MR. TUCKER: Thank you, Your Honor.

25

Maguire - Direct / Tucker

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1 DIRECT EXAMINATION

2 BY MR. TUCKER:

3 Q Agent Maguire, by whom are you employed?

4 A The U.S. Department of State, Diplomatic Security
5 Service.

6 Q What is the Diplomatic Security Service?

7 A It is the law enforcement and security arm of the U.S.
8 State Department.

9 Q Sometimes called the DSS?

10 A Yes, it is.

11 Q How long have you been with the DSS?

12 A Twelve years.

13 Q What are your current duties?

14 A I'm currently assigned the Homeland Security Document and
15 Benefit Fraud Task Force.

16 Q What does the Homeland Security Document and Benefit
17 Fraud Task Force do?

18 A We investigate allegations related to visa and passport
19 fraud and other document fraud-related international travel.

20 Q Are you involved in an investigation involving the
21 defendant, Mohammad Ajmal Choudhry?

22 A Yes, I am.

23 Q What is your role in that investigation?

24 A I am the case agent.

25 Q What does it mean to be the case agent?

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1 A I bear primary responsibility for the conduct of the
2 investigation.

3 Q Were you working on February 25th, 2013?

4 A Yes, I was.

5 Q Did you participate in the arrest of the defendant on
6 that date?

7 A Yes, I did.

8 Q Where did that arrest take place?

9 A It took place outside the defendant's residence located
10 at 817 Foster Avenue in Brooklyn, New York.

11 Q What other investigative steps had you and other agents
12 taken earlier that day?

13 A Once the decision had been made to arrest the defendant,
14 we attempted to conduct a ruse, that is, to call the defendant
15 and attempt to bring him to our office that we could arrest
16 him at our office.

17 Q Agent Maguire, before you proceeded to attempt to arrest
18 the defendant, had you taken any other investigative steps
19 earlier that day?

20 A Yes, we had. We conducted a consensually-monitored phone
21 call between the defendant and his daughter Amina.

22 Q What prompted you to arrest the defendant on that
23 particular date, February 25th?

24 MR. SOSINSKY: Objection.

25 THE COURT: Overruled.

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1 A We were aware of an incident that had occurred earlier
2 that day in Pakistan.

3 Q Was that a murder in Pakistan or murders in Pakistan?

4 A Yes, it was.

5 Q Now, you testified a moment ago that you employed a ruse,
6 R-U-S-E, in an effort to arrest the defendant, is that right?

7 A That's correct.

8 Q Please tell the jury what you mean by a ruse?

9 A In this particular instance, we were aware that the
10 defendant lived in a house with many other adults and small
11 children. So, we called the defendant, we knew that he was a
12 yellow cab driver. So we called the defendant and informed
13 him that there -- we had received a report that there was an
14 incident related to his taxi and that we wanted him to come to
15 our office so that we could speak to him.

16 Q Was that, in fact, true that you received a report about
17 an incident involving his taxi?

18 A No, it wasn't.

19 Q What was the point of this ruse?

20 A As I stated, the point was to bring the defendant to our
21 office so that we could place him into custody without having
22 to go to his house.

23 Q And why is that preferable, to bring someone to your
24 office rather than arrest him at their home?

25 MR. SOSINSKY: Objection.

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1 THE COURT: Overruled.

2 A It's safer both for us as agents and also for his family
3 members and the children that are in the house.

4 Q Why is that?

5 A Should there be a incident, should he resist arrest,
6 should there be a weapon, it's always preferable to have him
7 come to us, than to go into the house with small children.

8 Q At what number did you contact the defendant for this
9 ruse?

10 A I contacted him on his cellular phone.

11 Q Do you recall that number?

12 A It's 917-853-7685.

13 Q Did the ruse work?

14 A No, it did not.

15 Q What happened?

16 A Through a series of phone calls, the defendant and his
17 son, Shakeel, attempted to negotiate if they could come a
18 different day or meet us at a different time. So it became
19 apparent to us that he would not come to our office, so we
20 went to his house.

21 Q And when you say he, to whom are your referring?

22 A The defendant, Mr. Choudhry.

23 Q Please tell the jury what happened when you came to the
24 defendant's residence in Brooklyn?

25 A Once we arrived at his residence, we knocked on the door.

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1 When the door was answered, we identified ourselves and we
2 asked for the defendant to come out of the house to speak with
3 us on the sidewalk. Again, so we didn't have to go into the
4 house with all the adults and children. The defendant
5 appeared, came out onto the sidewalk away from the house, at
6 which point I informed him that I was placing him under arrest
7 for visa fraud and making threat.

8 Q Agent Maguire, what time of day was it when you went to
9 the defendant's home to arrest him?

10 A We arrested him at approximately 8:45 that night.

11 Q And about how many agents did you have with you when you
12 were affecting this arrest?

13 A We probably had about seven or eight agents.

14 Q And you said you knocked on the door, did you have to use
15 any force to get into the residence or anything like that?

16 A No, we did not. We did not enter the resident.

17 Q What was the defendant's demeanor when he came outside
18 the house?

19 A Respectful, cool, calm, reasonable.

20 Q And what did you say to the defendant when you were
21 taking him into custody?

22 A I informed him that we were arresting him for visa fraud
23 and making threats, and then I proceeded to determine if the
24 defendant had any medical conditions, any immediate medical
25 conditions that would require us to bring him to the hospital.

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1 Q What's the point in doing that?

2 A So it was late in the evening, and any time we take
3 someone into our custody, we're responsible for their well
4 being. So, we want to make sure that they don't have any
5 current medical problems or complaints that might warrant
6 being examined by a doctor before we can transport them to
7 jail.

8 Q Did you learn that the defendant was taking medication?

9 A Yes, we did.

10 Q And did you take steps to obtain that medication?

11 A We did. The defendant gave us a brief medical history,
12 so we then asked family members to recover the defendant's
13 medication in the original bottle. We also asked for his
14 identification documents, passport, or license, and for the
15 defendant's cellular phone.

16 Q Now, the jury can see today in court that the defendant's
17 utilizing the services of an interpreter. Agent Maguire, when
18 you were having this conversation with the defendant on
19 February 25th, was that conversation in English or was it in
20 another language?

21 A It was in English. When I first brought him out of the
22 house, I asked him if he could communicate in English, he
23 stated that he could. I also asked him if he could read and
24 write in English and he said that he could.

25 Q And as you were speaking with the defendant, asking him

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1 about his medical history and things of this nature outside
2 his house, did the defendant indeed appear to understand you?

3 A Yes, he provided his full medical history.

4 Q Were his answers responsive to your question?

5 A Yes, they were.

6 Q Did you eventually --

7 THE COURT: Did he answer you in English?

8 THE WITNESS: Yes, he did.

9 THE COURT: And did he say more than the answer no?
10 I mean did he give you full sentences?

11 THE WITNESS: Yes, he did. He described his medical
12 conditions by their common name.

13 THE COURT: By way of example, give me a phrase that
14 he used when you spoke with him in English.

15 THE WITNESS: For instance, he told me that he
16 suffered from diabetes and hypertension.

17 THE COURT: He said, "I suffer from diabetes and
18 hypertension" to you in English?

19 THE WITNESS: To that effect, yes, he said
20 diabetes --

21 THE COURT: Well, you say to that effect. Did he
22 use those words in English?

23 THE WITNESS: I don't remember if he used the word
24 "suffer," but he used the words "diabetes" and "hypertension"
25 in English.

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1 THE COURT: In English, okay. Go ahead.

2 MR. TUCKER: Thank you, Your Honor.

3 BY MR. TUCKER:

4 Q Did you eventually leave the defendant's residence?

5 A Yes, we did.

6 Q Where did you go next?

7 A We transported the defendant to Homeland Security's
8 office in Manhattan, New York.

9 Q And what did you do once you arrived at the Homeland
10 Security office in Manhattan?

11 A When we first arrived, we placed the defendant in a
12 holding cell, gave him access to the restroom and asked him if
13 he wanted food or water. He stated that he wanted water, so
14 we gave him a bottle of water.

15 Q Did you eventually attempt to interview the defendant?

16 A Yes, I did.

17 Q Where did that meeting take place?

18 A It took place in an interview there are on the -- in the
19 processing area.

20 Q Who else was in the room with you and the defendant?

21 A In addition to myself, it was Homeland Security Special
22 Agent Susan Ruiz, R-U-I-Z, and the State Department
23 Investigative Analyst Alex Cooper, C-O-O-P-E-R.

24 Q And please the tell the jury what happened when you began
25 that meeting with the defendant?

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1 A I began the meeting by, again, reminding the defendant of
2 why we had arrested him, for visa fraud and making threats. I
3 gave him an outline of what would occur that evening and the
4 next day in terms of processing, being held overnight at a
5 jail, and then being brought to court the next day. When that
6 was completed, I then read the defendant his constitutional
7 rights, often known as Miranda rights.

8 Q Agent Maguire, did you offer the defendant the services
9 of an interpreter at that point?

10 A Yes, I did. I should have stated that. Before I
11 started, I, again, asked the defendant if he could communicate
12 in English, and he was able to read and write in English, he
13 stated that he was. And I informed him that if at any point
14 he felt he could not understand me, we had a phone number
15 where we could get a translator who spoke his language on the
16 phone, and he acknowledged that option was available, if he
17 needed it.

18 Q And what did he say about whether he wanted to take
19 advantage of that interpreted?

20 A He told me that he was comfortable proceeding in English.

21 Q And he said that in English?

22 A He did.

23 Q And you testified that you went about advising the
24 defendant of his rights, did I understand you correctly?

25 A Yes, that's correct.

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1 Q How did you do that?

2 A I had a Department of Homeland Security Statement of
3 Rights form. So I read the form verbatim to the defendant and
4 confirmed with him that he understood what I had said. He
5 said that he did. I then provided the form to the defendant
6 and asked him to read it back to me, line-by-line, in English,
7 and also to summarize each line after he had read it in his
8 own words, which is my practice when someone -- when English
9 is a second language so that I'm comfortable that he
10 understands what he's reading.

11 Q The rights that you're describing, are these sometimes
12 called Miranda rights?

13 A Yes, they were.

14 MR. TUCKER: Your Honor, if I could just show the
15 witness, only at this point, what's been marked for
16 identification as Government's Exhibit 401?

17 THE COURT: You may.

18 BY MR. TUCKER:

19 Q Agent Maguire, can you see the document on your screen
20 there?

21 A Yes, I can.

22 Q Do you recognize this document? Let me zoom out so you
23 can see all of it?

24 A I do, this is the statement of rights form I used that
25 day.

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1 Q And among other signatures, does this document bear your
2 signature?

3 A Yes, it does, toward the bottom.

4 Q And just to be clear, when you said this is the form that
5 you used on that day, to what day are you referring to?

6 A February 25th, 2013.

7 MR. TUCKER: Your Honor, the government moves to
8 admit Government's Exhibit 401 into evidence?

9 THE COURT: Any objection?

10 MR. SOSINSKY: No, sir.

11 THE COURT: It's admitted. You may publish it to
12 the jury.

13 (Government's Exhibit 401 was received in evidence.)

14 MR. TUCKER: Thank you, Your Honor. If I could ask
15 Your Honor's deputy to put it up on the jury screen.

16 THE COURT: He will do that, I'm sure. Mr. Jackson?

17 THE CLERK: Excuse me, Judge.

18 THE COURT: Would you put it up so the jury can see
19 it, please.

20 THE CLERK: Sure.

21 (Exhibit published to the jury.)

22 MR. TUCKER: Thank you, Your Honor.

23 THE COURT: Can you see it, ladies and gentlemen of
24 the jury? Yes?

25 All right. Go ahead.

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1 BY MR. TUCKER:

2 Q Agent Maguire, please explain for the jury how you used
3 Government's Exhibit 401 to advise the defendant of his rights.

4 A So first, I read the top half of the form, so all the
5 bullet points above the section that's labeled "Waiver of
6 Rights" towards the bottom. I read those bullet points to the
7 defendant, verbatim, and asked him if he understood.

8 Once he stated that he did, I provided this form to
9 the defendant, asked him to read in English each bullet point
10 one by one and summarize it in English using his own words.
11 Once he had done that for each bullet point, on the left I had
12 him initial the bullet point.

13 Q Agent Maguire, can you read the bullets for the record?

14 A Certainly. "Statement of rights: Before we ask you any
15 questions" --

16 THE COURT: Slow it down. Everybody speeds up when
17 they read. Go ahead.

18 A "Before we ask you any questions, you must understand
19 your rights. You have the right to remain silent. Anything
20 you say can be used against you in a court. You have the
21 right to talk to a lawyer for advice before we ask you any
22 questions. If you cannot afford a lawyer, one will be
23 appointed for you before any questioning, if you wish. If you
24 decide to answer questions now without a lawyer present, you
25 have the right to stop answering at any time."

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1 Q Agent Maguire, you testified that you asked the defendant
2 to explain what he had understood the bullets to mean, did I
3 understand you correctly?

4 A That's correct. I asked him to summarize each bullet in
5 his own words.

6 Q Why did you do that?

7 A That's just my standard practice for someone whom English
8 is a second language to ensure that they understand what they
9 read.

10 Q And based on the summaries that the defendant was
11 providing to you, for these bullets, did he appear to
12 understand the rights that you were advising him of?

13 A Yes, he did. He didn't give a summation that I thought
14 was appropriate that I would have invoked the use of a
15 translator, even though he said he didn't need one.

16 Q And he did appear to be giving summations that you
17 thought were appropriate?

18 A Correct.

19 Q Now, Agent Maguire, the jury can see to the left of each
20 bullet there's some handwriting, what is that handwriting?

21 A So the Xs, I made next to each bullet point to indicate
22 to the defendant where he needed to initial once he had read
23 that bullet point and summarized it. The CHs to the right of
24 each X, so basically this line here, are the defendant's
25 initials.

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1 Q So who's actually putting pen to paper writing those
2 initials?

3 A The defendant.

4 Q What did the defendant say when you were done explaining
5 to him the rights set forth by these bullets?

6 A The defendant told me that he could talk about the visa,
7 but not about Pakistan.

8 Q What did you do when the defendant said that?

9 A I explained to the defendant that I would be willing to
10 talk to him about any topics he chose to discuss with me, but
11 that before doing so we had to move forward to the waiver of
12 rights, that he agreed to talk to me without a lawyer present.

13 Q And when you say the waiver of rights, you're referring
14 to the second portion, the bottom portion of Government's
15 Exhibit 401?

16 A That's correct.

17 Q When you said that to the defendant, what happened next?

18 A So, I explained that to the defendant and I read this
19 waiver to him and the defendant informed me that he wished to
20 speak with a lawyer.

21 Q Would you read the waiver that you read to the defendant
22 that's on the bottom of Government's 401?

23 A Certainly. "Waiver of right: I have read this statement
24 of my rights, and I understand what my rights are. At this
25 time, I am willing to answer questions without a lawyer

1 present."

2 Q And when you read that to the defendant, what did the
3 defendant say?

4 A He stated that he would like to speak to a lawyer before
5 answering any question.

6 Q After the defendant said that, what did you do?

7 A I explained to the defendant what would happen in the
8 immediate future, that we would finish processing him,
9 transport him to jail, bring him to court in the morning, and
10 that prior to any court appearances, he would have a chance --
11 an opportunity to speak with a lawyer.

12 Q And what did you do after you explained that to the
13 defendant?

14 A I began collecting my papers and my notepad to get ready
15 to move the defendant back in the processing area.

16 Q And what happened next?

17 A The defendant began spontaneously speaking about the
18 case.

19 Q When the defendant started speaking about the case, what,
20 if anything, did you do?

21 A I simply listened and began taking notes.

22 Q Agent Maguire, did you subsequently generate a report
23 memorializing what the defendant said to you on that day?

24 A Yes, I did.

25 Q And would that report assist you in testifying here

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1 today?

2 A It would.

3 MR. TUCKER: Your Honor, with the Court's
4 permission, I'd like to hand the witness what's been marked
5 for identification only as 3500-MM-1 using, with Your Honor's
6 permission, the assistance of Your Honor's deputy?

7 THE COURT: Yes, you may do that. Mr. Jackson?

8 THE CLERK: (Complies.)

9 MR. TUCKER: Mr. Jackson?

10 THE CLERK: (Handing.)

11 BY MR. TUCKER:

12 Q Agent Maguire, do you have 3500-MM-1 in front of you now?

13 A Yes, I do.

14 Q Agent Maguire, what, if anything, did the defendant say
15 about Amina calling him?

16 A The defendant informed me that Amina had called him and
17 told him that she was returning to the United States or back
18 in the United States, and that it upset him that she had not
19 returned to the family home in Brooklyn.

20 Q What, if anything, did the defendant say about the visa
21 fraud charge that you explained to him earlier?

22 A The defendant told me that he filed the visa, that he was
23 hopeful that if Amina's husband Babar received a U.S. visa and
24 came to live in the U.S. with Amina, without Shujat Abbas,
25 that it would be a good thing.

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1 Q Did the defendant make any reference to what Amina's
2 other sisters were doing in the United States?

3 A He mentioned that they were in -- that they were happily
4 married and living with their spouses.

5 Q And did he say anything about whether those spouses were
6 arranged?

7 A He did, he said they were arranged spouses.

8 Q Did the defendant explicitly mention the name Shujat
9 Abbas?

10 A No, he did not.

11 Q Did you understand that the defendant was referring to
12 Shujat based on the context and your knowledge of the case?

13 A Yes.

14 Q Did the defendant make any statements about threatening
15 acts of violence in Pakistan?

16 A Yes, he did.

17 Q What did she say?

18 A He stated that he may have said that he would kill the
19 boy, which I understood to mean Shujat Abbas.

20 Q Did the defendant make any statements about his brother,
21 Mohammad Akmal, A-K-M-A-L, Choudhry?

22 A Yes, he did. He stated that his brother might have been
23 at the scene of the murders in Pakistan earlier that day.

24 Q Now, Agent Maguire, just so it's clear, were you taking
25 verbatim notes of everything the defendant said during this

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1 interview?

2 A No, I was not.

3 Q Are these summaries of some of the things the defendant
4 said?

5 A They are.

6 Q How long was the defendant speaking, approximately?

7 A Approximately ten minutes.

8 Q Did you ask the defendant any questions during this
9 period of time?

10 A No, I did not.

11 Q Why not?

12 A He had asked to speak to a lawyer and I was honoring that
13 request.

14 Q While the defendant was speaking, what were you doing?

15 A Simply taking notes.

16 Q Did the defendant eventually stop talking?

17 A Yes, he did.

18 Q What prompted that?

19 A At two different points during his spontaneous
20 statements, first, I reminded him that he had asked to speak
21 to a lawyer and that because he had asked to speak to a
22 lawyer, I will not ask him any questions at any point.

23 He continued to speaking, at which point, Special
24 Agent Ruiz intervened, again reminded the defendant that he
25 had asked to speak to a lawyer and that we were not asking him

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1 questions, nor would we, and she pointed his attention to the
2 statement of rights form. After a brief consideration, he
3 reiterated his desire to speak to a lawyer and we moved him in
4 the processing area and continued.

5 Q What did you do after that in the processing area?

6 A We finished his booking paperwork, biographic
7 information, fingerprints, photographs, things of that nature
8 and then we transported him to a jail, lodging overnight.

9 Q Did the defendant make any other substantive statements
10 about the case after that?

11 A No, he did not.

12 Q In the course of processing the defendant's arrest, did
13 you learn his date of birth?

14 A I did.

15 Q What is it?

16 A January 12, 1953.

17 Q Now, Agent Maguire, subsequent to the defendant's arrest,
18 did you search his cellular phone?

19 A Yes, I did.

20 Q Please just remind the jury how did you obtain his
21 cellular phone?

22 A The night of his arrest, we asked his family members to
23 retrieve his cellular phone and provide it to us.

24 Q I'm going to show you what's been marked for
25 identification.

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1 MR. TUCKER: So if we can turn off the jurors'
2 screens for a moment?

3 THE CLERK: (Complies.)

4 Q As Government's Exhibit 330, do you recognize that item,
5 Agent Maguire?

6 A I do.

7 Q What is it?

8 A That is the defendant's cellular telephone.

9 Q And is it substantially the same condition as when you
10 recovered it from the defendant on the night of his arrest?

11 A Yes, it is.

12 MR. TUCKER: Your Honor, the government moves to
13 admit Government Exhibit 330 into evidence.

14 THE COURT: Any objection?

15 MR. SOSINSKY: No, sir.

16 THE COURT: It is admitted. You may publish.

17 MR. TUCKER: Thank you, Your Honor.

18 (Government's Exhibit 330 was received in evidence.)

19 (Exhibit published to the jury.)

20 BY MR. TUCKER:

21 Q Now, Agent Maguire, did you subsequently obtain a warrant
22 to search this cellular phone?

23 A My partner, Chris Heck, obtained a warrant and I executed
24 it.

25 Q Please just remind the jury briefly what is a search

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1 warrant?

2 A A search warrant is a document issued by a magistrate
3 judge or a district judge that authorizes agents to search a
4 place or item for evidence, fruits or instrumentalities of a
5 crime.

6 Q Did you obtain a search warrant to search this particular
7 phone, Government Exhibit 330?

8 A We did.

9 Q And did you, in fact, search the phone after that?

10 A I did.

11 Q How did you go about doing that?

12 A I used a device known as a Cellebrite,
13 C-E-L-L-E-B-R-I-T-E, which is a device that forensically
14 copies everything on the phone. Contact list, text messages,
15 recent calls, photographs. Things of that nature.

16 Q Would you just turn off the jury screen for a moment.
17 Agents Maguire, I'm showing you what's been marked for
18 identification as Government Exhibit 331. Can you see that
19 document on your screen and do you recognize it?

20 A I can see it on my screen at the moment.

21 Q You cannot?

22 A No. Now I can see I it.

23 Q I'm sorry. Didn't mean to interrupt you, Agent Maguire.
24 What is Government Exhibit 331?

25 A There is the report from examining that phone with the

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1 Cellebrite.

2 Q Is this a 36-page document?

3 A Yes, it is.

4 Q And does that report accurately capture the data that was
5 recovered from the defendant's cellular phone, Government
6 Exhibit 330?

7 A Yes, it does.

8 MR. TUCKER: Your Honor, the government moves to
9 admit Government Exhibit 331 into evidence.

10 THE COURT: Any objection?

11 MR. SOSINSKY: No.

12 THE COURT: It admitted. You may publish it to the
13 jury.

14 (Government's Exhibit 331 was received in evidence.)

15 (Exhibit published to the jury.)

16 BY MR. TUCKER:

17 Q Agent Maguire, just very briefly, what's shown here in the
18 first portion that's headed, phone examination report
19 properties?

20 A This section of the report details the type of phone that
21 was searched -- in this case, a Nokia GSM phone. It indicates
22 the model number. It indicates some serial numbers and
23 electronic serial numbers and the date of the search. It
24 indicates the software version and the serial number of the
25 Cellebrite machine I used, things like that.

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1 Q Now, Agent Maguire, what's the date that this the
2 Cellebrite extraction was done?

3 A March 25th, 2013.

4 Q That's a month after the defendant was are arrested, is
5 that right?

6 A That's correct.

7 Q What was happening during that intervening month?

8 A During that month, we were continuing our investigation,
9 and we applied for and then subsequently received a search
10 warrant.

11 Q What's in this next section starting on page two of
12 Government Exhibit 331?

13 A This is the contact book or the phone book within the
14 subject's cellular phone.

15 Q Agent Maguire, what about on page 30, and beginning on
16 page 30 of Government Exhibit 331?

17 A This is the recent incoming calls log from the
18 defendant's cellular phone.

19 Q And how about this starting on page three -- I'm sorry,
20 page 33 of Government Exhibit 331?

21 A This is the recent outgoing call log from the defendant's
22 cellular phone.

23 Q As part of the investigation into the defendant, did you
24 and other agents conduct an out boulder inspection of Jamil
25 Afzal, A-F-Z-A-L, Choudhry on May 11th, 2013?

1 A Yes, we did.

2 Q What's an outbound border inspection?

3 A An outbound border inspection is an administrative
4 inspection conducted by U.S. Customs officials at a port of
5 entry or international border, that's conducted on travelers
6 or conveyances in order to enforce the security of the
7 homeland and U.S. Customs also.

8 Q Do you need a search warrant to conduct those kinds of
9 searches under law?

10 A You do not.

11 Q Why is that?

12 A The law allows for customs officers to search any item,
13 person or conveyance that is entering or exiting the United
14 States.

15 Q What's Jamil Afzal Choudhry's relationship with the
16 defendant?

17 A He's both the defendant's son-in-law and his nephew.

18 Q What was his demeanor during the course of that customs
19 inspection?

20 A Cooperative, reasonable, calm.

21 Q In the course of that border inspection, did you and
22 other agents and officers make a copy of an address book that
23 Jamil Afzal Choudhry was carrying?

24 A Yes, we did.

25 Q I'm going to show you just for the witness what's been

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1 marked for identification as Government Exhibit 406. Agent
2 Maguire, can you see that on your screen?

3 A Yes, I can.

4 Q Do you recognize this document?

5 A I do. This is a selection of pages from Jamil Afzal
6 Choudhry's phone book that I copied that day.

7 Q Does this document also include translations of certain
8 texts?

9 A It does.

10 MR. TUCKER: Your Honor, at this time, with the
11 Court's permission, I would like to read into the record a
12 stipulation that's been marked as Government Exhibit 407. And
13 then I'll move to admit this stipulation. Government Exhibit
14 407 and Government Exhibit 406.

15 THE COURT: Has it been signed by your adversary?

16 MR. TUCKER: It has.

17 THE COURT: Has it been submitted to the Court for
18 review?

19 MR. TUCKER: I'm happy to do that now, your Honor.

20 THE COURT: Why don't we do that? I'll take a look
21 at it before you read it to the jury.

22 THE CLERK: (Retrieves document.)

23 THE COURT: (Perusing document.)

24 All right. You may read to it the jury and I will
25 so order it when I get my so ordering mojo back.

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1 MR. TUCKER: Thank you, Your Honor.

2 Thank you, Mr. Jackson.

3 THE CLERK: You're welcome.

4 MR. TUCKER: "It is hereby stipulated and agreed by
5 and between the United States of America, by Assistant United
6 States Attorneys Amanda Hector, Richard M. Tucker, and
7 Margaret E. Gandy, and the defendant, Mohammad Ajmal Choudhry,
8 by his attorney, Frederick L. Sosinsky, Esquire, that, one,
9 Government Exhibit 406 contains fair and accurate English
10 translations of the names that appear in Urdu" -- that's
11 U-R-D-U -- "beside the five highlighted telephone numbers; and
12 two, this stipulation and the English translations contained
13 in Government Exhibit 406 may be admitted as evidence at
14 trial." And it's signed June 26th, by counsel for the parties.

15 Your Honor, with that, the government moves to admit
16 Government Exhibits 406 and 407 into evidence.

17 THE COURT: Any objection to the documents being
18 admitted in evidence?

19 MR. SOSINSKY: No, sir.

20 THE COURT: They're admitted. You may publish to
21 the jury.

22 (Government's Exhibits 406 and 407 were received in
23 evidence.)

24 (Exhibit published to the jury.)

25 MR. TUCKER: Thank you. For the record, Your Honor,

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1 I'm showing the jury what's now in evidence as Government
2 Exhibit 406.

3 BY MR. TUCKER:

4 Q Agent Maguire, please just remind, what are we looking at
5 here?

6 A The top portion of this exhibit is the copies of portions
7 of Jamil Afzal Choudhry's phone book from that border search.
8 And the bottom part, the white boxes with the red outlines are
9 phone numbers and translations. Same thing on this page. And
10 again on this page.

11 Q Just for the record, Government Exhibit 406 is a
12 three-page document, is that right, Agent Maguire?

13 A That's correct.

14 Q In the course of your work on this investigation, did you
15 also execute a search warrant at the defendant's residence?

16 A Yes, I did.

17 Q Where is the defendant's residence?

18 A It's located at 817 Foster Avenue in Brooklyn, New York.

19 Q On what date did you execute the search warrant on the
20 defendant's residence?

21 A May 14th, 2013.

22 Q What did that search warrant authorize you and other
23 agents to seize?

24 A The search warrant authorized us to search for and seize
25 telephone records, contact lists, or any items that might

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1 contain telephone numbers, contact lists. It also authorized
2 us to search for any documents related to the visa application
3 for Babar, Amina Ajmal's husband.

4 Q How did you go about executing the search warrant on that
5 day?

6 A We arrived at the defendant's residence. We knocked on
7 the door. When the door was answered, we announced our
8 presence, identified ourselves.

9 We entered the residence. We conducted what's known
10 as a security sweep, which is just to ensure that everyone in
11 the house was accounted for and that there are no weapons or
12 any threats that might harm us while conducting the search.
13 And then we began our search process.

14 Q Just to be clear, Agent Maguire, did you or any of the
15 agents executing this warrant encounter any threats or any
16 kind of resistance from the people inside the house?

17 A No, we did not. We were allowed in by the family member
18 that answered the door. In fact, we left the small children
19 sleeping while initiating the search at the request of their
20 parents.

21 Q About what time of day was this search executed?

22 A Just after 6:00 a.m.

23 Q Is the typical time that search warrants are executed?

24 A It is.

25 Q Approximately how many people were present inside the

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1 residence?

2 A There were approximately seven or eight adults and a
3 number of small children.

4 Q In the course of executing the search warrant, did you
5 take any photographs?

6 A Yes, I did.

7 MR. TUCKER: Your Honor, with the Court's
8 permission, I'm going to show just for the witness at this
9 point, what's been marked for identification as Government
10 Exhibit 301. Can you see that, Agent Maguire?

11 THE WITNESS: Not yet. It popped up and
12 disappeared. The same thing.

13 MR. TUCKER: I have an extra hard copy, Your Honor.

14 THE COURT: Is the techie here, Mr. Jackson?

15 THE CLERK: He went back downstairs.

16 THE COURT: You tell him to come here and you tell
17 him to stay here.

18 MR. TUCKER: Your Honor, I think I can ask this one
19 next portion -- I think I underestimated my direct a little
20 bit. So maybe we should take a break and we can resolve our
21 technical problems.

22 THE COURT: We'll have the techie come back.

23 Mr. Jackson, go call the techie.

24 MR. SOSINSKY: Judge, I would have no objection to
25 publishing these in the first instance, if that's helpful --

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1 in other words, without having to privately show it to the
2 witness. We can put them right up on the screen.

3 THE COURT: You have no objection to the document
4 being admitted into not evidence?

5 MR. SOSINSKY: Right.

6 THE COURT: What's the number?

7 MS. HECTOR: 301, Your Honor.

8 THE COURT: Without objection, 301 is admitted. You
9 may publish.

10 (Government's Exhibit 301 was received in evidence.)

11 MR. TUCKER: Thank you.

12 (Exhibit published to the jury.)

13 THE COURT: I still want the techie back here.

14 BY MR. TUCKER:

15 Q Is it on your screen now, Agent Maguire?

16 A It is.

17 Q Looking at now what's in evidence as Government Exhibit
18 301, what is this?

19 A This is a photograph of the exterior of the defendant's
20 residence.

21 Q Please describe for the jury the general layout and
22 orientation of the defendant's residence.

23 A The defendant's residence is a three-story single family
24 home. There's a basement, a main level and a level above
25 that. There are bedrooms located on the third floor and in

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1 the basement, with the main floor containing an additional
2 bedroom, a kitchen and a living room.

3 MR. TUCKER: Your Honor, I'm now going to seek to
4 admit Government Exhibits 302, 303, 305, and 306.

5 THE COURT: Any objection?

6 MR. SOSINSKY: No objection.

7 THE COURT: They're admitted. You may publish to
8 the jury.

9 MR. TUCKER: Thank you, Your Honor.

10 (Government's Exhibits 302, 303, 305, and 306 were
11 received in evidence.)

12 BY MR. TUCKER:

13 Q Agent Maguire, before we look at the photographs, in the
14 course of executing the search warrant, did you seize any
15 document or materials related to Amina Ajmal?

16 A Yes, I did.

17 Q So looking first at the Government Exhibit 302 which is
18 now in evidence, please tell us what we're looking at there,
19 Agent Maguire.

20 (Exhibit published.)

21 A The bottom most part, the part that says New York State
22 Learner Permit, is a New York State Learner Permit for Amina
23 Ajmal.

24 Q And now looking at what's in evidence as Government
25 Exhibit 303, what's shown there?

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1 (Exhibit published.)

2 A A Social Security card for Amina Ajmal.

3 Q And now looking at Government Exhibit 305, please tell us
4 what we're looking at there, Agent Maguire.

5 (Exhibit published.)

6 A This is a United States Postal Service return receipt
7 addressed to Amina Ajmal at 817 Foster Avenue, Brooklyn, New
8 York, 11230.

9 Q Now looking at what's in evidence as Government Exhibit
10 306, is this the other side of that same card?

11 (Exhibit published.)

12 A Yes, it.

13 Q Where was this letter addressed to?

14 A I was addressed to USCIS, Post Office Box 804625, in
15 Chicago, Illinois, zip code, 60680-4107.

16 Q Agent Maguire, if you know, what is USCIS?

17 A It's United States Citizenship and Immigration Services.

18 MR. TUCKER: Your Honor, I now would like to show
19 the witness three physical exhibits that --

20 Counsel, they're 309, 310, and 311. Maybe I could
21 show them to defense counsel?

22 THE COURT: Any Objection or have you not seen these
23 before?

24 MR. TUCKER: I believe he has, Your Honor, but give
25 us just a moment.

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1 (Confers with Mr. Sosinsky.)

2 MR. SOSINSKY: No objection.

3 THE COURT: They're admitted. You may publish.

4 (Government's Exhibits 309, 310, and 311 were
5 received in evidence.)

6 MR. TUCKER: Thank you, Your Honor. For the record,
7 what's just admitted is Government Exhibit 309, 310, and 311.

8 BY MR. TUCKER:

9 Q Agent Maguire, starting with what's now in evidence as
10 Government Exhibit 309, I'm going to pull them out of the bag in
11 just one moment. Agent Maguire, what are these?

12 A These are identification documents and a credit card, all
13 in the name of Amina Ajmal found in the defendant's residence
14 during the conduct of the search warrant.

15 Q Agent Maguire, now showing what's in evidence as
16 Government Exhibit 310. What is this item?

17 A That is the U.S. Postal Service return receipt, which I
18 spoke about earlier.

19 Q And that's the item that's photographed in Government
20 Exhibit 305 and 306, is that right?

21 A That's correct.

22 Q Now showing you what's in evidence as Government Exhibit
23 311, what is this document, Agent Maguire?

24 A This document is part of an immigrant visa application
25 for Mohammad Afzal Choudhry.

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1 Q And that's Afzal, A-F-Z-A-L, is that right?

2 A That's correct.

3 Q Agent Maguire, while you were executing your search
4 warrant, did you observe any documents relating to the
5 defendant's work as a Yellow Cab driver?

6 A Yes, I did.

7 MR. TUCKER: Your Honor, I'd like to move to admit
8 Government Exhibit 304 into evidence.

9 THE COURT: Any objection?

10 MR. SOSINSKY: No.

11 THE COURT: It's admitted.

12 (Government's Exhibit 304 was received in evidence.)

13 MR. TUCKER: May we publish, Your Honor?

14 THE COURT: You may.

15 (Exhibit published to the jury.)

16 BY MR. TUCKER:

17 Q Agent Maguire, please tell the jury what's shown here in
18 Government Exhibit 304.

19 A This is a photograph I took during a search warrant,
20 which displays a document with the name Mohammad Choudhry, the
21 address of 817 Foster Avenue in Brooklyn, and it indicates
22 that's a driver and then it indicates a Hack license or Hack
23 LIC of 489034.

24 Q Agent Maguire, do you know, what is a Hack license?

25 A That is the term used to refer to a license granted by

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1 the City of New York to drive a taxi.

2 Q Is that associated with the Taxi and Limousine
3 Commission?

4 A It is. That is the issuing authority.

5 Q Pursuant to the search warrant that you executed at the
6 defendant's residence, did you also seize a cellular phone
7 from a Shakeel Ajmal Choudhry?

8 A Yes, I did.

9 Q What is Shakeel's relationship to the defendant, Agent
10 Maguire?

11 A The defendant's son.

12 MR. TUCKER: Your Honor, I'm going to seek to admit
13 with counsel's consent what's been marked for identification
14 as Government Exhibit 340.

15 THE COURT: Any objection?

16 MR. SOSINSKY: No.

17 THE COURT: It's admitted.

18 (Government's Exhibit 340 was received in evidence.)

19 MR. TUCKER: Thank you, Your Honor. May we publish?

20 THE COURT: You may.

21 (Exhibit published to the jury.)

22 BY MR. TUCKER:

23 Q Agent Maguire, showing you what's now in evidence as
24 Government Exhibit 340. What is this item?

25 A This a Samsung Galaxy cellphone.

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1 Q From whom did you obtain this Samsung Galaxy cellular
2 phone?

3 A Shakeel Choudhry.

4 Q Did you obtain this item only did day the search warrant
5 as executed on the defendant's residence?

6 A I did.

7 Q Did you subsequently download the data from this cellular
8 phone, Government Exhibit 340?

9 A Yes, I did, as it was included in the search warrant.

10 Q And did you generate a forensic report using a Cellebrite
11 device?

12 A Yes, I did.

13 MR. TUCKER: Your Honor, I'm next going to seek to
14 move to admit Government Exhibit 341.

15 THE COURT: Any objection?

16 MR. SOSINSKY: No, sir.

17 THE COURT: It's admitted. You made publish.

18 MR. TUCKER: Thank you, Your Honor.

19 (Government's Exhibit 341 was received in evidence.)

20 BY MR. TUCKER:

21 Q Agent Maguire, showing you what's now in evidence as
22 Government Exhibit 341. Please tell us what this is.

23 A This is the phone examination report from the Cellebrite
24 for Shakeel, Shakeel's cellphone.

25 Q So this is the forensic report that you generated using

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1 that Cellebrite device?

2 A Yes, it is.

3 Q Agent Maguire, can you tell from this download what the
4 phone number is that's associated with this cellular phone for
5 Shakeel?

6 A Yes, I can. The cellphone is 917-916-4707.

7 Q Can you indicate on your screen and on Government Exhibit
8 341, where you see that number?

9 A Certainly. It's to the right of the box labeled
10 "MSISDN."

11 THE COURT: The record will reflect that the witness
12 has circled that phone number on the exhibit, go ahead.

13 MR. TUCKER: Thank you, your Honor.

14 Q Agent Maguire, in the course of your work on this
15 investigation, have you had occasion to review border crossing
16 records for the defendant, Amina Ajmal, and Mohammad Afzal
17 Choudhry, A-F-Z-A-L?

18 A Yes, I have.

19 Q I'm showing you what are in evidence as Government
20 Exhibits 201, 202, and 203. Agent Maguire, those are among
21 the border crossing records that you reviewed?

22 A Yes, they are.

23 Q Having reviewed those records, did you and other law
24 enforcement officials generate a summary chart capturing the
25 data that's stored in those three exhibits, 201, 202, 203?

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1 A Yes, we did.

2 MR. TUCKER: Your Honor, I'm going to seek to admit
3 Government Exhibit 205 now.

4 THE COURT: Any objection?

5 MR. SOSINSKY: Just a moment, please.

6 THE COURT: Sure.

7 (Confers with Mr. Tucker.)

8 MR. SOSINSKY: No objection, sir.

9 THE COURT: It's admitted. You may publish.

10 MR. TUCKER: Thank you, Your Honor.

11 (Government's Exhibit 205 was received in evidence.)

12 (Exhibit published.)

13 BY MR. TUCKER:

14 Q Agent Maguire, we're now looking at what is in evidence as
15 Government Exhibit 205. Can you please tell the jury what this
16 is?

17 A This is a summary timeline of the interest national
18 travel for Amina Ajmal, the defendant, and the defendant's
19 brother, Mohammad Afzal Choudhry.

20 Q And does the time range here from approximately 2007
21 through 2014?

22 A That's correct.

23 Q Agent Maguire, can you begin starting with the left of
24 the timeline and walk us from the left to the right, moving
25 forward in time, the various travel and border crossings?

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1 A Certainly. "On June 28th, 2007, Amina Ajmal entered the
2 United States." I'm sorry. Excuse me. Exits the United
3 States, departs the United States.

4 THE COURT: Let's start again with the timeline,
5 please. Go ahead.

6 A "On June 28th, 2007, Amina Ajmal exits or departs the
7 United States."

8 "On August 27th, 2007, Amina Ajmal enters the United
9 States."

10 "On June 14th, 2008, the defendant exits the United
11 States."

12 "On August 6th, 2008, the defendant --

13 Q Is that supposed to be, "entered the United States"?

14 A Should be. There's an error on the chart. That should
15 be, "Enters the United States."

16 THE COURT: There's an error on the chart. Why
17 don't you correct the error. Give him a pen and let's get it
18 right, so the jury has it corrected --

19 MR. TUCKER: Thank you, Your Honor.

20 THE COURT: When they see the evidence.

21 Mr. Jackson, would you take the pen and the chart?

22 Ladies and gentleman of they jury, this is how
23 you're going to see the actual evidence that the witness
24 testified to. We're not going to give you a chart with an
25 error on it.

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1 MR. TUCKER: Thank you, Your Honor.

2 THE CLERK: (Handing.)

3 THE COURT: Okay. So make the change and put your
4 initials, so the jury knows that you did it, and today's
5 changing date.

6 THE WITNESS: (Complies.)

7 THE COURT: That's what judges used to make me do
8 when I had mistakes in documents. I didn't like it either,
9 but there it is.

10 MR. TUCKER: Thank you, Your Honor.

11 THE COURT: You're welcome. I used to say thank
12 you, too, but I didn't mean it.

13 All right. Let's go.

14 BY MR. TUCKER:

15 Q Agent Maguire, starting with that August 6th, 2008, entry,
16 please continue to work forward.

17 A Okay. Just to be clear, "August 6th, 2008, the defendant
18 enters the U.S."

19 "On November 29th, 2009, both the defendant and
20 Amina Ajmal exit or depart the United States."

21 "On December 15th, 2009, the defendant returns to
22 the U.S. and enters the U.S."

23 "On September 18th, 2012, the defendant exits or
24 departs the United States."

25 "On November 27th, 2012, both the defendant and his

1 brother, Mohammad Afzal Choudhry, enter the United States."

2 And finally, "On January 7th, 2013, Amina Ajmal
3 enters the United States."

4 Q Agent Maguire, just so it's clear, this summary chart
5 captures and summarizes the information that was in Government
6 Exhibit 201, 202, and 203, is that right?

7 A That's correct.

8 MR. TUCKER: I have no further questions, Your
9 Honor.

10 THE COURT: Your witness.

11 CROSS-EXAMINATION

12 BY MR. SOSINSKY:

13 Q So the search that you told us you made of the home on
14 Foster Avenue, that took place almost three months after you had
15 arrested my client, correct?

16 A That's correct.

17 Q And when you went in on that date, you said -- that is
18 the May date, you said there were about seven or eight adults
19 there?

20 A Yes.

21 (Continued on the next page.)

22

23

24

25

1 CROSS-EXAMINATION (continued)

2 BY MR. SOSINSKY:

3 Q And a number of children were sleeping?

4 A That's correct.

5 Q And you identified, did you not, each and every one of
6 the adults who was there, right?

7 A Of course.

8 Q And during the course of your search of the premises, you
9 told us that the adults there were cooperative, right?

10 A That's correct.

11 Q And not only were they cooperative, but they identified
12 for you and your fellow agents whose bedrooms each of the many
13 bedrooms within the house those were, right?

14 A That's correct.

15 Q And you labeled carefully each of the rooms within the
16 house from which you were either photographing various items
17 or seizing items, right?

18 A That's correct.

19 Q The items that we saw earlier that bore the name Amina
20 Ajmal, they were driver's licenses or permit and other IDs
21 issued from DMV, where did those come from?

22 A I would have to consult my notes to know precisely.

23 MR. SOSINSKY: Can we show the witness the notes,
24 judge?

25 THE COURT: Do you have your notes up here?

1 THE WITNESS: No, sir, I do not.

2 THE COURT: All right. Why don't you hand them up.

3 At the same time, why don't you hand me that
4 stipulation. Now that I've got my so ordered mojo back, I'll
5 stamp it.

6 (Pause.)

7 Q For the record, Agent, you're looking at a log that you
8 completed with regard to your search of the house that day?

9 A Yeah. To be clear, it's not my notes, but a photo log of
10 all the photos that I took.

11 MR. SOSINSKY: Could I trouble Mr. Jackson, Your
12 Honor, to hand the witness what's marked as 3500-MM-9?

13 Thank you, Mr. Jackson.

14 THE COURT: You may.

15 (Pause.)

16 A (Perusing document.)

17 Okay. I reviewed my notes.

18 Q Can you tell us, having done so, where was it that you
19 found initially the items, the identification items that were
20 shown to you earlier bearing Amina Ajmal's name?

21 A Sorry, I looked at the post office receipt. Hold on one
22 second.

23 (Perusing document.)

24 A I believe those were recovered from a ID holder, like a
25 binder that holds IDs, that was near a T.V. stand in the

1 living room.

2 Q And that ID holder contained IDs of numerous individuals,
3 right?

4 A Yes, it did.

5 Q So based on your best recollection, that was a collection
6 of various IDs from the many people that either then resided
7 or previously had resided within that home, right, having gone
8 through there?

9 A Correct.

10 Q And so in May, approximately three months after you
11 arrest Mr. Choudhry, you found within the home a return
12 receipt certificate from the U.S. Postal Service indicating
13 that it had been sent back in connection with the visa
14 petition, the I-130 petition that is a subject of this trial,
15 right, as you understood it?

16 A Well, to be clear, when we found that, I knew that it was
17 a receipt from USCIS. I did not know at the time of the
18 search for what document that return receipt was for.

19 Q Well, it was dated, was it not?

20 A It was.

21 Q And it was dated December 5th, right?

22 A I believe it was December 6th.

23 Q And certainly by that point almost three months later,
24 you were fully aware, were you not, that there had been
25 paperwork sent in to USCIS that was dated December 1st, right?

1 A Correct.

2 Q And received by them and processed, as we've had
3 testimony, on or about December 6th, right?

4 A Correct.

5 Q Okay. So let me ask you again when you looked and saw,
6 when you went to the house in May of 2012, this document from
7 the United States Postal Service on that green card, the front
8 and back that were separately marked in evidence, you
9 understood that that was, appeared to be the return receipt
10 for that very I-130 application, right?

11 A That was my suspicion, yes.

12 Q And that was still in the house almost three months
13 later, right?

14 A Correct.

15 Q Now, you told us that on February 25th, 2013, you went
16 out to Mr. Choudhry's home, right?

17 A That's correct.

18 Q And after you placed him under arrest and put him into a
19 police vehicle, you took him back to the offices on West 26th
20 Street, sir?

21 A That's correct.

22 Q And those would be the same offices where earlier that
23 day you and Mr. Choudhry's daughter had been for a time,
24 right? I don't mean the physical office itself, but the
25 offices proper, right?

1 A Right, same building.

2 Q And you had been there on these other occasions that
3 we've heard testimony about with Amina Ajmal February 15th,
4 February 20th, February 21st, all of those days when you were
5 busy, among other things, making recordings of what she said,
6 Amina Ajmal said, and what her father said on a phone
7 conversation, right?

8 A That's not correct. I was not there on February 15th.

9 Q Okay. February 21st you were there, sir?

10 A Yes, I was.

11 Q February 20th?

12 A Yes.

13 Q February 25th?

14 A Correct.

15 Q Okay.

16 THE COURT: Please speak into the mic.

17 THE WITNESS: Sorry.

18 Q And on each of those dates, you were physically present
19 to make sure that whatever was being said by Amina Ajmal and
20 whatever was being said by her father was captured and
21 monitored by you agents, correct?

22 A Correct.

23 Q And recorded for posterity, right?

24 A That's correct.

25 Q Now, when you brought Mr. Choudhry back to your

1 headquarters there, you told us you put him into what you call
2 an interview room, right?

3 A That's correct.

4 Q Is that also referred to as an interrogation room, or do
5 you like to refer to it only as interview room?

6 A I've never heard that room referred to as an
7 interrogation room.

8 Q Okay. He had been -- he was in custody then, right?

9 A Yes, he was.

10 Q And in that room, how many federal agents were there in
11 addition to yourself?

12 A One other federal agent.

13 Q Was there also a member -- an investigative analyst who
14 works at the state department as well?

15 A Yes, there was.

16 Q So there was the three of you, right?

17 A That's correct.

18 Q And it's your testimony that after sitting him down and
19 giving him some water, you then presented him with a statement
20 of rights form, right?

21 A Yes, there came a time I gave him that form.

22 Q I put before you what's in evidence and was referred to
23 earlier Exhibit 401.

24 (The above-referred to exhibit was published.)

25 Q And it's your testimony, sir, that you presented this

1 form to Mr. Choudhry, right?

2 A That's correct.

3 Q And as is your practice, you first read aloud each of the
4 bullet points as you've referred to them, right?

5 A That's correct.

6 Q And you then had Mr. Choudhry read aloud to you the
7 bullet points, right?

8 A Yes.

9 Q And not only that, you then, it's your testimony, had Mr.
10 Choudhry summarize separately each of the bullet points as he
11 went along, right?

12 A That's correct.

13 Q You have this before you on the screen?

14 A Yes, sir.

15 Q Just looking at the first bullet point where it says:
16 "Before we ask you any questions, you must understand your
17 rights."

18 Can you tell us what you recall Mr. Choudhry's
19 summary of that particular bullet point was?

20 A I don't recall his exact statements, but I recall that
21 his summary of that bullet point was satisfactory to move on
22 to the next one.

23 Q The second bullet point says: "You have the right to
24 remain silent."

25 Right?

1 A Correct.

2 Q And please tell us what is it that you recall Mr.
3 Choudhry stating in terms of a summary of that bullet point?

4 A Again I don't remember his exact phrase, but I remember
5 him saying something to the effect of he doesn't have to talk.

6 Q And the third bullet point: "Anything you say can be
7 used against you in a court."

8 What did he say to you in summarizing that bullet
9 point?

10 A Again I recall that his summary was satisfactory. I
11 don't remember his exact words.

12 Q With regard to the fourth one: "You have the right to
13 talk to a lawyer for advice before we ask you any questions."

14 What do you tell us he summarized that particular
15 bullet point as?

16 A Again, I don't remember his exact phrase, but his summary
17 was satisfactory to move on with the form.

18 Q The fifth one: "If you cannot afford a lawyer, one will
19 be appointed for you before any questioning, if you wish."

20 Please tell us what do you recall Mr. Choudhry, in
21 your words, summarizing that bullet point as?

22 A Again, I don't remember his exact words, but I recall
23 that his summary was appropriate for that bullet point.

24 Q And finally the sixth one: "If you decide to answer
25 questions now without a lawyer present, you have the right to

1 stop answering at any time."

2 Please tell us what do you recall Mr. Choudhry
3 summarizing in his own words that bullet point as?

4 A Again, sir, I don't remember his exact words, but I
5 recall that his summation was appropriate for that bullet
6 point to continue on.

7 Q Mr. Choudhry has, does he not, a very heavy accent,
8 right?

9 A He speaks with an accent, but I was able to understand
10 him.

11 Q That wasn't my question. I'm just asking now about the
12 accent.

13 Does he speak with a heavy accent?

14 A I'm not sure I would describe it as heavy. He speaks
15 with an accent.

16 Q Well, after you went through that exercise with him where
17 you read it and then you tell us he read it and you tell us he
18 summarized each of the bullet points, you then asked him
19 whether or not he wished to speak with you, right?

20 A That's correct.

21 Q And he told you, according to your testimony here, that
22 he could talk about the visa, but not about Pakistan, right?

23 A That's correct.

24 Q And by the way, when you were with him on that night on
25 February 25th, 2013, would it be fair to say that at no time

1 from the time you presented him into that interview room, as
2 you call it, until the time when he left the room and you
3 continued to process him, at no time did you create any audio
4 or video recording of what you claim was stated by either him
5 or you, right?

6 A No, there's no recording.

7 Q Now, is it your testimony that after you said to him, in
8 substance, sir, "are you willing to talk with us," and he said
9 "I can talk about the visa but not about Pakistan," you then
10 turned to him and said "okay, if that's the case, then I need
11 to ask you to sign the waiver of rights form," right?

12 A Correct.

13 Q Now, before you did that, before you turned to the waiver
14 of rights form, you told us that you had previously put an X,
15 did you not, before each of the bullet points to the left of
16 it, each of the bullet points, and asked him to initial next
17 to the X you put there, right?

18 A For the top half -- for the top half of the form, yes.

19 Q Is there a reason why you put an X, and I'm just
20 referring to the top half of this form, why did you put the X
21 there when you were going through this back and forth with
22 him, sir?

23 A That's just my habit 'cause that's where there's room.

24 Q Well, as you say you walked him through it bullet point
25 by bullet point and you told the jury you were satisfied that

1 he understood both what he was reading and understood its
2 implications, did you at that point just ask him to initial,
3 or did you have him put his initials at some subsequent point
4 next to the X that you had drawn there?

5 A No, he initialed at each line, line-by-line.

6 Q And you put an X next to each line as you went along,
7 correct?

8 A I put all the Xs first and then after each bullet point
9 I'd say, "Put your initials next to the bullet point."

10 Q Now, sir, with regard to the waiver of rights that
11 appears on the bottom of the form, or waiver of right, there's
12 no "S" there, it's your testimony that after he said to you,
13 "I can talk about the visa, but not about Pakistan," you then
14 presented him with the bottom half of the form?

15 A I read it to him, placed the two Xs to indicate where he
16 would have to print and sign his name should he wish to waive
17 his rights, and then I presented the form so he could also
18 read it.

19 Q And the first place that you placed an X is directly to
20 the right of where it says "printed name," right?

21 A Correct.

22 Q And the second place that you placed an X is directly to
23 the right of the spot that says "signature," right?

24 A That's correct.

25 Q And it's your testimony that, based on everything that

1 went on with you and him that night, it appeared to you that
2 he understood and could read English, right?

3 A That's correct.

4 Q And he understood what you were getting at, right?

5 A Correct.

6 Q Now, it's your testimony that at that point in time right
7 after you ask him, you read this to him and ask him to sign,
8 that he said he wanted a lawyer before he spoke with you,
9 right?

10 A Correct.

11 Q So you remember that specifically the defendant told you
12 before he spoke with you he wanted an attorney, right, or a
13 lawyer?

14 A Correct.

15 Q Did he use the word "attorney" or "lawyer," do you
16 remember?

17 A Lawyer.

18 Q Okay. And from that moment when he told you that he
19 wanted a lawyer until the time that you tell us he
20 spontaneously began speaking with you, quite obviously without
21 a lawyer, how much time elapsed?

22 MR. TUCKER: Objection, Your Honor.

23 THE COURT: Overruled.

24 Q How much time elapsed?

25 A I would estimate just a few minutes, just long enough for

1 me to explain the processing process and collect what I
2 needed.

3 Q Would it be fair to say, sir, it would be more like, if
4 we would actually look at a stopwatch, perhaps a minute's
5 time, right?

6 A One, two minutes at the most.

7 Q So one or two minutes at the most after Mr. Choudhry says
8 to you, "Before I speak with you, I want the lawyer," it's
9 your testimony that spontaneously without any further
10 prompting he then starts talking with you, right?

11 A That's correct.

12 Q And there was no lawyer in the room at that point, right?

13 A No, there was not.

14 Q And it's your testimony that he said the things you told
15 the prosecutor about without you or anyone in the room even
16 asking him anything about what he spoke?

17 A Correct.

18 Q So is it your testimony that without anything from you or
19 the other agents and analysts in the room, the defendant at
20 that point tells you that he remembered his daughter calling
21 him telling him that she was in or was coming to the United
22 States?

23 A Correct.

24 Q And is it your testimony that without any question put to
25 him, he continued to tell you that when that happened, he

1 became upset because she had come to the United States but had
2 not yet come back to his house or his home?

3 A Correct.

4 Q And is it your testimony that right after he said that,
5 he then commented on the visa, right?

6 A During his spontaneous statements, he commented on the
7 visa. I don't know if it was immediately after that.

8 Q Well, everything you're telling us, according to you, is
9 during what you're characterizing as spontaneous statements,
10 right?

11 A Correct.

12 Q So how long after he said to you in substance that he
13 recalled at some point that his daughter Amina Ajmal had
14 called him, told him that she was in or coming to the United
15 States and he was upset because she was in the U.S. but had
16 not called his house, how long after that did he say to you,
17 as you told us earlier, "I filed the paper, I want a good life
18 over here"?

19 A Shortly thereafter.

20 Q He segued from Amina coming to the country to that,
21 right?

22 A Let me confirm with my report the exact order of the
23 statements.

24 Q Sure. That's what I'm asking about.

25 A (Perusing document.)

1 Okay, I refreshed my memory.

2 Could I have the question again, please?

3 THE COURT: Read it back, please.

4 (The requested portion of the record was read back
5 by the Official Court Reporter.)

6 A No, that's not correct.

7 Q How long after he spontaneously --

8 MR. TUCKER: Objection, Your Honor.

9 THE COURT: He hasn't finished the question.

10 Q How long after he --

11 MR. SOSINSKY: Well, withdrawn.

12 Q The first thing you mentioned when the prosecutor asked
13 you questions about what he spontaneously stated to you was
14 something about Amina Ajmal having called him and told him
15 that she was in the United States, right? That was the first
16 thing when Mr. Tucker asked you questions that you mentioned,
17 right?

18 A That was the first thing I spoke about today, yes.

19 Q Yes, that's what I'm asking you.

20 My question is how long, however it was, after he
21 made that statement was the statement made about "I filed the
22 paper, I want a good life over here"?

23 MR. TUCKER: Objection, Your Honor.

24 THE COURT: Read the question back.

25 (The requested portion of the record was read back

1 by the Official Court Reporter.)

2 THE COURT: Overruled.

3 You may answer.

4 A A matter of minutes.

5 Q And then in connection with his statement to you "I filed
6 the paper, I want a good life over here," Mr. Choudhry
7 spontaneously continued to tell you that in his opinion he
8 thought if he could get Babar to the United States and
9 reunited with his daughter Amina Ajmal without Shujat Abbas,
10 that Ms. Ajmal would change her mind and live happy with
11 Babar, right?

12 A That's correct.

13 Q Except that you clarified that when he made this
14 statement spontaneously without any questioning on the part of
15 any agent or analyst that he didn't use the name Shujat Abbas,
16 right?

17 A No, he did not.

18 Q But you understood from the way he said it and what your
19 investigation had been up until that point that that's what he
20 was referring to, right?

21 A Correct.

22 Q And then it's your testimony that he spontaneously added
23 "live happy with Babar," just as his other daughters had been
24 doing in the United States with their arranged spouses, right?

25 A In sum and substance, that's what he said, yes.

1 Q And then is it your testimony that without any
2 questioning from agents whatsoever, without any follow-up with
3 Mr. Choudhry, Mr. Choudhry shortly thereafter said, "I might
4 have said, 'If you don't come home I'll kill the boy'"?

5 A Correct.

6 Q And again, Agent, that statement was made, according to
7 you, without anyone having questioned Mr. Choudhry in any way
8 about any subject, right, any substantive matter?

9 A No questions.

10 Q And then it's your testimony that thereafter, Mr.
11 Choudhry, again without any prompting or questioning from any
12 agent or analyst in the room, shifted and told you that his
13 brother Mohammad Akmal Choudhry might have been at the scene
14 of the shooting, right?

15 A Correct.

16 Q And again it's your testimony that that statement was
17 made by Mr. Choudhry without any follow-up questioning from
18 you or any fellow agents regarding what he was talking about,
19 right?

20 A That's correct.

21 Q And all of that, that is the things I just asked you
22 about, took place, according to you, within a minute, perhaps
23 two, of the defendant telling you, "I don't want to speak to
24 agents without a lawyer here," right?

25 A It began within that minute or two, yes.

1 Q That's what I'm asking you.

2 That process of him spontaneously speaking with you
3 took place within a minute or two of him having told you he
4 didn't want to speak with you without a lawyer present, right?

5 MR. TUCKER: Objection, Your Honor.

6 THE COURT: Overruled.

7 A Correct.

8 Q Agent Maguire, do you recall conducting, along with
9 others, an interview of a woman by the name of Rukhsana Kousar
10 on April 4th, 2013?

11 A I recall many interviews. I'm not precisely sure of that
12 exact date. I'd have to see my notes from my report.

13 Q Let me ask the question and see if you can answer this,
14 and then we'll see about the notes, if you need them.

15 On April 4th, 2013, do you recall Rukhsana Kousar
16 telling you that her daughter Seemab took a private bus to her
17 school in Chiryawala? Do you remember her telling you that
18 it was a private bus that she took?

19 A Again I can't say if that was on April 4th or not, but
20 during the course of our interviews, that particular topic was
21 discussed, yes.

22 Q And indeed, on the time when Rukhsana Kousar told you
23 that, that her daughter took a private bus, she was
24 specifically asked where was the private bus stop in
25 connection with a public bus stop that she described to you,

1 right?

2 A Correct.

3 Q And she told you that the private bus stop where Seemab
4 would take the bus was near the public bus stop, correct?

5 A Correct.

6 Q On April 18th, 2013, do you recall conducting an
7 interview with Seemab Asghar?

8 A Yes, I do.

9 Q And on that occasion, sir, it is true that in describing
10 to you a story or an account regarding a conversation that she
11 allegedly had with Javed Iqbal following her learning that
12 there had been a shooting that she told you at the end of the
13 conversation she hung up the phone on Javed Iqbal, correct?

14 A That's my recollection, correct.

15 Q With regard to events that same day, the witness
16 testified about January 26th, 2013, do you recall during an
17 interview of Seemab Asghar that took place on September 13th
18 of last year questioning Ms. Asghar about how or why the phone
19 was able to be overheard by her while she was at this funeral
20 in Barnala? Do you remember that?

21 A I remember that particular topic. The exact date of that
22 interview I don't recall as there were many interviews.

23 Q And do you recall focusing on that date when she claims
24 to have been at a funeral in Barnala and her father receiving
25 a telephone call from certain people, do you recall her

1 telling you that it was, quote, by chance, end quote, that
2 that phone was on speakerphone such that she and others were
3 able to hear what was being said?

4 A I would need to see my notes or report to testify to
5 anything that's a quote.

6 Q Well, if I was to take out the quotes and ask you did she
7 say on that date that it was by chance that she was able to
8 hear a speakerphone -- excuse me, that the phone was on
9 speakerphone, it was, quote, by chance, would that refresh
10 your recollection?

11 A Again, I wouldn't be able to testify to anything that's a
12 quote without seeing my notes or my report.

13 Q Okay.

14 MR. SOSINSKY: Judge, can I show the witness a piece
15 of paper and see if that helps him to remember?

16 THE COURT: You can publish it through the Elmo just
17 for the witness's eyes.

18 MR. SOSINSKY: Thank you.

19 THE COURT: You're welcome.

20 (The above-referred to exhibit was published to the
21 witness.)

22 THE COURT: Can you see it, sir?

23 THE WITNESS: No, I can't.

24 THE COURT: How about now?

25 THE WITNESS: A flash and then disappear.

1 THE COURT: Looks like another bench warrant for the
2 techies.

3 All right. Old school, bring it up.

4 MR. SOSINSKY: For the record, sir, this is
5 3500-SA-6. I'm just showing the first three pages. The entry
6 appears on page three.

7 THE COURT: Now, if you say that into the mic,
8 there's a chance it will actually make it into the record.

9 Go ahead, please describe the document you are
10 putting before the witness.

11 MR. SOSINSKY: Yes, sir, 3500-SA-6.

12 THE COURT: Thank you.

13 Are you being asked to review 3500-SA-6, a
14 three-page document and see if this refreshes your
15 recollection? The answer is yes, it does or no, it does not.

16 THE WITNESS: Yes, it does.

17 THE COURT: All right. Next question.

18 BY MR. SOSINSKY:

19 Q It helps you to remember that on that date that that's
20 exactly what was described to you and there were quotes,
21 right? It was she was asked and stated that it was by chance
22 on a speakerphone, right?

23 A That's correct.

24 MR. SOSINSKY: Can I have that document back,
25 please, sir?

1 (Pause.)

2 MR. SOSINSKY: Thank you.

3 Q Turning back to the end of your interaction with Mr.
4 Choudhry on the night of the 25th of February, you say that at
5 a certain point in time after he had been making these
6 statements without you or your fellow agents asking him
7 anything, that at some point another agent pointed to the same
8 statement of rights form that's in evidence as 401, sir?

9 A That's correct.

10 Q And this form had been sitting on the desk or table in
11 the interview room that you were in the entire time you were
12 in there, right?

13 A Correct.

14 Q And so was it you or was it someone else who pointed to
15 the form?

16 A It was Special Agent Ruiz.

17 Q And it's your testimony that at that point in time, Mr.
18 Choudhry then said, "I want a lawyer," right, and the
19 conversation ended in substance?

20 A Correct.

21 Q And from the time he first had told you that he wanted a
22 lawyer before being asked any questions until that moment when
23 he again told you he wanted a lawyer before he said anything
24 else, how long a period of time went by?

25 A Approximately ten minutes.

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1 MR. SOSINSKY: No further questions.

2 THE COURT: Your witness.

3 MR. TUCKER: Thank you, Your Honor.

4 (Pause.)

5 MR. TUCKER: Very briefly, Your Honor.

6 THE COURT: That's for sure.

7 REDIRECT EXAMINATION

8 BY MR. TUCKER:

9 Q Agent Maguire, during this period when the defendant was
10 making statements, what was his demeanor?

11 A Very reasonable, calm, even tone voice.

12 Q Did you ask him any questions why he was making this
13 statement?

14 A No, none whatsoever.

15 Q Did you want to?

16 A I'm sorry?

17 Q Did you want to ask him questions?

18 A Of course.

19 Q Why?

20 A He was making statements related to the case I had been
21 working for a period of time and he was making statements that
22 were pertinent to the investigation, so I absolutely would
23 have liked to have asked follow-up questions, for instance who
24 was the boy you threatened to kill, what threats did you make,
25 how did you know your brother was at the scene of the murders,

1 things that we would do in any -- in any cooperative
2 interview.

3 Q Why didn't you ask those questions here?

4 A He had asked to speak to a lawyer and I was honoring that
5 request.

6 MR. TUCKER: Nothing further, Your Honor.

7 THE COURT: You may step down.

8 Call your next witness, please.

9 MR. SOSINSKY: Judge, I had one or two more
10 questions.

11 THE COURT: No, you're not.

12 MR. SOSINSKY: Okay.

13 (Witness leaves the witness stand.)

14 THE COURT: Next witness.

15 MS. GANDY: Your Honor, would you be amenable to a
16 quick restroom break at least?

17 THE COURT: I would be amenable to a quick luncheon
18 recess. It's about ten to two. Why don't we get back here
19 and we'll start promptly at 2:30. No fooling, 2:30, okay.

20 MR. SOSINSKY: Thank you.

21 THE COURT: Thank you.

22 MR. TUCKER: Thank you, Your Honor.

23 (Jury exits the courtroom.)
24
25

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1 THE COURT: All right. The jury has left the
2 courtroom.

3 Do we have any procedural issues?

4 MR. TUCKER: Not from the Government, Your Honor.

5 THE COURT: Anything from defense?

6 MR. SOSINSKY: No.

7 THE COURT: All right. We'll see you at 2:30. Have
8 a nice lunch.

9 (Luncheon recess taken.)

10 (Continued on following page.)

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1 AFTERNOON SESSION

2 (In open court, outside the presence of the jury.)

3 THE COURT: Please be seated, ladies and gentlemen.

4 I see that all counsel and the defendant is here.

5 Good afternoon. I had asked the Government to call
6 their next witness.

7 MS. HECTOR: Your Honor, if I may, one procedural
8 issue that I'd like to make a record on.

9 THE COURT: Yes.

10 MS. HECTOR: If Your Honor will recall, a couple
11 days ago, I can't remember the exact date off the top of my
12 head, Your Honor came in in the morning and was addressing the
13 situation of the defense counsel having made a record that
14 there was an additional question he wanted to ask Seemab
15 Asghar on recross and didn't have an opportunity to do so, and
16 Your Honor had suggested that the parties discuss the best way
17 to handle that moving forward.

18 THE COURT: Correct.

19 MS. HECTOR: We discussed it with defense counsel
20 and my understanding is that his intention was to handle the
21 issue by cross-examining Agent Matt Maguire and sort of
22 bringing in the prior statement of Seemab through the ROI as a
23 way to impeach that testimony of Seemab. He's now done so,
24 and so I believe that the issue is finished, but perhaps he
25 could indicate as much on the record as well.

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1 THE COURT: Is that correct, sir?

2 MR. SOSINSKY: Yes.

3 MS. HECTOR: That's it, Your Honor.

4 THE COURT: Thank you.

5 MS. GANDY: One additional thing, Your Honor.

6 During the testimony of the next witness, I do intend to
7 present a stipulation and propose to read it before the jury,
8 so I hope to provide Your Honor with a copy now for your
9 review.

10 THE COURT: That's fine, and then I can do my so
11 order mojo if there's no problem with it.

12 MS. GANDY: In that case, Your Honor, let me give
13 you the original.

14 THE COURT: Okay.

15 MS. GANDY: (Hanging.)

16 (Pause.)

17 THE COURT: I reviewed the stipulation which has
18 been marked as Government Exhibit 700. It's been signed by
19 Mr. Sosinsky as attorney for the defendant and by Ms. Gandy
20 for the United States attorney's office, and I am prepared to
21 so order it and have it read to the jury.

22 Without objection?

23 MS. GANDY: Yes, Your Honor.

24 MR. SOSINSKY: Yes.

25 THE COURT: So I'm so ordering it now. I'm going to

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1 hand it back to Mr. Jackson.

2 COURTROOM DEPUTY: Judge, do you want to mark this
3 as court exhibit --

4 THE COURT: No, this is Exhibit 700. This is not a
5 court exhibit.

6 COURTROOM DEPUTY: Understood.

7 THE COURT: Here it is.

8 Do we have any other procedural issues to address
9 while the jury is out?

10 MS. GANDY: I don't believe so, Your Honor.

11 MR. SOSINSKY: Not during the Government's case.

12 At the conclusion of the Government's case, which
13 should be some time this afternoon, I will have a couple of
14 brief applications which we could run through at that point.

15 THE COURT: Is the Government's case going to
16 conclude this afternoon? This is the first I've heard of
17 that. I'm glad to see you know more than I do, but that's
18 rarely --

19 MR. SOSINSKY: That's rarely the case, is what you
20 meant.

21 THE COURT: That's so often the case.

22 Is that your expectation, that the Government will
23 conclude its case today?

24 MS. GANDY: Yes, Your Honor, we expect this witness
25 that's about to take the stand and one more beyond that.

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1 THE COURT: That would be two witnesses.

2 MS. GANDY: Yeah, two total.

3 There may be one outstanding issue regarding the
4 possible cross-examination of Rukhsana Kousar that was
5 addressed this morning.

6 THE COURT: Well, let's talk about that now.

7 MS. GANDY: We need to confer with counsel about it
8 before I could add any more insight myself.

9 THE COURT: You haven't had a chance to confer on
10 that point?

11 MS. GANDY: We have not.

12 MR. SOSINSKY: We have not.

13 THE COURT: All right. Why don't you do that during
14 the next break, which we'll take some time between, as I get
15 back into Wall Street mode, 7:30 and 8:00 tonight and then
16 we'll resume at 8:00 this evening. Okay?

17 MS. GANDY: Very good.

18 MR. TUCKER: Last issue, Your Honor, pursuant to the
19 Court's earlier ruling, we have now marked as Government's
20 Exhibit 1100 the excerpts of the prior grand jury testimony
21 from Nasreen Ajmal.

22 THE COURT: I said I would admit that over the
23 objection of defense counsel, and that is what the record
24 should reflect.

25 Would you call out the exhibit number and/or the

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1 3500 material pages?

2 MR. TUCKER: Yes, Your Honor.

3 THE COURT: Just so the record is clear.

4 MR. TUCKER: This will be Exhibit Number 1100, and I
5 believe, and let me make sure, yes, it is from what it was
6 marked and provided to defense counsel as 3500-NC-5.

7 THE COURT: Okay. And so it's a how many-page
8 document, just so the record is clear?

9 MR. TUCKER: 1100, Your Honor, is a five-page
10 document, and it includes the excerpts that were read into the
11 record by the Government and also by defense counsel, and I
12 reviewed them with defense counsel.

13 THE COURT: Right, and I understand defense counsel
14 is objecting, and that objection is preserved for the record.

15 Just so we're clear for my friends on the 17th
16 floor, is your exhibit the entirety of the transcript that's
17 being offered or only the portions that were read?

18 MR. TUCKER: Only the portions that were read, Your
19 Honor.

20 THE COURT: All right. You haven't highlighted
21 those or indicated those in any way on this document; is that
22 correct?

23 MR. TUCKER: The document that I propose to admit
24 into evidence is merely the excerpts from the grand jury
25 transcript.

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1 THE COURT: That were read.

2 MR. TUCKER: Correct, Your Honor.

3 THE COURT: So it's not as if people are going to
4 fight about later what was read to the jury and what wasn't
5 and then they have to go back and then --

6 MR. TUCKER: Correct, Your Honor. I think we have
7 an accord on that.

8 THE COURT: Why don't I take a look at the exhibit
9 just to make sure.

10 MR. TUCKER: Of course, Your Honor.

11 May I approach the bench, Your Honor?

12 THE COURT: Yes, and give it to Mr. Jackson.

13 (Pause.)

14 THE COURT: Just so we're clear, what I'm looking at
15 has been marked as Government Exhibit 1100. These are
16 excerpts beginning at a line 23 on a page that bears no
17 number. The next page is page 107, lines 1 through 4 and page
18 139, lines 1 through 7, then a page that has something
19 highlighted lines 11 through 24, and then a last page that's
20 page 115, lines 1 through 4.

21 From whence haileth the first page in terms of
22 numbers, do you know that?

23 MR. TUCKER: I do, Your Honor. That starts at page
24 106. And just so we have a clean record, it begins at 106 on
25 line 23 and continues to 107, line 4.

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1 THE COURT: Do you have a -- I don't mean to be
2 unduly persnickety about this, but it would be useful if you
3 had some reference to page 106 on the actual exhibit itself.
4 Can we do that?

5 MR. TUCKER: We can write it in, Your Honor.

6 THE COURT: Or just tape it over, however you want
7 to do it, write it in, tape it over, just so it's clear.

8 MR. TUCKER: Yes, Your Honor.

9 May I approach, Your Honor?

10 THE COURT: Yes, of course. And you're going to
11 indicate what the start page is?

12 MR. TUCKER: Yes, Your Honor, and I'll do that for
13 this other page as well.

14 THE COURT: That's right, just so the record is
15 clear.

16 (Pause.)

17 MR. TUCKER: Your Honor, we're still handwriting
18 this out. So maybe counsel and I will work a little bit and
19 we'll try this again before the Government rests, if that's
20 all right.

21 THE COURT: Okay. We've got other things to do
22 before the jury comes back. So why don't you do it now. I'd
23 like to get it put to bed if we can.

24 (Pause.)

25 THE COURT: If this is going to take much longer,

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1 then perhaps we should get the jury in.

2 What do you think?

3 MR. TUCKER: Your Honor, my intern is running to
4 make the one page right now down on the second floor. He
5 seems to be quick. I expect him back momentarily.

6 THE COURT: I like interns running to get in shape,
7 that way I don't have to do it.

8 (Pause.)

9 MR. TUCKER: Your Honor, I think if my intern
10 doesn't beat defense counsel back, we should proceed and we'll
11 do this between the next witness.

12 THE COURT: Okay.

13 MR. TUCKER: And here it is. So I say we go, Your
14 Honor, if it's okay with the Court.

15 THE COURT: Let's get the jury back.

16 (Pause.)

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Proceedings

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1 COURTROOM DEPUTY: All rise.

2 (Jury enters the courtroom.)

3 THE COURT: Once again, this court demonstrates why
4 I'm not the American Dental Association's favorite judge, but
5 hopefully you will enjoy a little chocolate.

6 I apologize for the delay, but we actually have
7 gotten some business done, and I am informed that the
8 Government will conclude its case this afternoon. So we made
9 some progress. That's why you were waiting a little past the
10 agreed-upon time.

11 So please be seated, and call your next witness.

12 MS. GANDY: Thank you, Your Honor. The Government
13 calls Special Agent Danny Lee.

14 (Special Agent Danny Lee enters the courtroom and
15 takes the witness stand.)

16 **SPECIAL AGENT DANNY LEE,**

17 called by the Government, having been first duly
18 sworn, was examined and testified as follows:

19 THE COURT: Please sit down, sir, and speak directly
20 into this microphone. It looks like a snake, but it's not.

21 State your name, spell it, channel your inner Lord
22 Vader and speak slowly and clearly.

23 THE WITNESS: Yes.

24 THE COURT: And then there will be some questions,
25 all right?

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1 THE WITNESS: Yes, Your Honor.

2 THE COURT: Thank you.

3 THE WITNESS: My name is Danny Lee, D-A-N-N-Y, last
4 name is L-E-E.

5 THE COURT: Please proceed, counsel.

6 MS. GANDY: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. GANDY:

9 Q Good afternoon, Special Agent.

10 A Good afternoon.

11 Q Where are you currently employed?

12 A With the Department of Homeland Security, Homeland
13 Security Investigations.

14 Q What position do you hold within the Department of
15 Homeland Security, Homeland Security Investigations?

16 A I am a special agent.

17 Q How long have you been a special agent with the
18 Department of Homeland Security?

19 A Approximately eleven-and-a-half years.

20 Q And where within the Homeland Security Investigations are
21 you currently assigned?

22 A I'm currently assigned to the Document and Benefit Fraud
23 Task Force at our New York office.

24 Q Can you explain to us what that task force focuses on?

25 A We investigate criminal activity, fraud dealing with

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1 immigration documents, immigration benefits.

2 Q And how long have you been assigned to that task force?

3 A Since May of 2013, so a little over one year.

4 THE COURT: Again speak directly into the
5 microphone. You'll sound like this.

6 THE WITNESS: Yes, Your Honor.

7 THE COURT: Good.

8 Q Where within the Department of Homeland Security were you
9 assigned prior to joining the Document and Benefit Fraud Task
10 Force?

11 A From February of 2003 to May of 2013 I was assigned to
12 the Internal Conspiracy Group over at our office at JFK
13 International Airport.

14 Q What kind of work did you do there?

15 A We focused mainly on narcotics smuggling by corrupt
16 airport employees, airline employees.

17 Q And how have your duties changed since joining the
18 Document and Benefit Fraud Task Force?

19 A I no longer deal with investigating narcotics smuggling.
20 I mainly deal with investigating fraud, you know, by doc --
21 immigration document and immigration benefit fraud.

22 Q In your nearly or more than eleven years as a special
23 agent with the Department of Homeland Security, have you
24 become familiar with Excel?

25 A Yes.

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1 Q What is Excel?

2 A It's a software program utilizing spreadsheets where you
3 can enter data into those spreadsheets and calculate, you
4 know, the data.

5 Q Is that a program that you've used in furtherance of
6 investigations that you've participated in during your time as
7 a special agent?

8 A Yes.

9 Q In preparation for your testimony here today, were you
10 asked to perform certain analysis?

11 A Yes, I was.

12 Q What was the nature of the analysis you were asked to
13 perform?

14 A I was asked to conduct an analysis on toll records, the
15 defendant's toll records, along with analysis of the
16 defendant's TLC records.

17 Q When you say toll records, what are you talking about?

18 A The -- the records relating to defendant's cellphone
19 subpoenaed call details.

20 Q And when you say TLC records analysis, what are you
21 talking about?

22 A The records relating to the defendant's log of fares as a
23 taxi driver.

24 Q Special Agent Lee, were you involved in the underlying
25 investigation that led to the defendant's arrest?

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1 A I was, but it was limited. Since I had only joined the
2 Document and Benefit Fraud Task Force in May of 2013, I only
3 assisted with the search warrant of the residence address at
4 817 Foster Avenue in Brooklyn and, more recently, the toll
5 analysis and the analysis of the TLC records.

6 Q In light of the fact that you joined the Document and
7 Benefit Fraud Task Force in May of 2013, is it fair to say
8 that you were not involved in the investigation prior to the
9 defendant's arrest in February?

10 A Yes, that's correct.

11 Q I'd first like to draw your attention, Special Agent Lee,
12 to the TLC, or Taxi and Limousine Commission, data analysis
13 that you performed in preparation for your testimony here
14 today.

15 A Okay.

16 Q Generally speaking, what was the objective you were asked
17 to or the type of analysis you were asked to perform?

18 A I was supplied with the records of -- a log of the
19 defendant's taxi fares. I determined from those logs a start
20 date or a shift duration, the shift start time, the shift end
21 time. I was asked to average out, calculate the averages of
22 the shifts. You know, that's pretty much it.

23 Q You mentioned that in doing that analysis, you relied on
24 a log of sorts.

25 MS. GANDY: Your Honor, if I may, I'd like to

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1 publish for the jury Government's Exhibit 602 that's in
2 evidence.

3 THE COURT: You may publish.

4 (The above-referred to exhibit was published.)

5 Q Special Agent Lee, is this Exhibit 602 that's being
6 displayed before you familiar to you?

7 A Yes.

8 Q What is it?

9 A That's the log of the defendant's taxi fares.

10 Q And is this the log that you relied upon to perform the
11 analysis you've just described?

12 A Yes.

13 Q How could you tell that this data pertained to the
14 defendant's taxi fare history specifically?

15 A Well, on the upper left-hand corner of this document,
16 there is a number listed under "driver ID." I took that
17 number right where it says "489034" and I matched that number
18 with TLC records, a TLC printout of that license number.

19 MS. GANDY: With Your Honor's permission, I'd like
20 to publish Government Exhibit 601 that's in evidence.

21 THE COURT: You may publish.

22 (The above-referred to exhibit was published.)

23 Q Special Agent Lee, do you recognize Government's Exhibit
24 601 that's being displayed before you?

25 A Yes, that's the TLC record pertaining to that license

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1 number 489034 where it's listed as the name as being Mohammad
2 A. Choudhry at the address 817 Foster Avenue, Brooklyn, New
3 York.

4 Q Is that address familiar to you?

5 A Yes.

6 Q In what way?

7 A That was the address that I assisted in the search
8 warrant.

9 Q And based on your participation in that search warrant,
10 who do you know to reside that location?

11 A Mohammad A. Choudhry and all of the relatives.

12 Q Drawing your attention now back to Government's Exhibit
13 602 that's in evidence.

14 (The above-referred to exhibit was published.)

15 Q What is the date range that you analyzed in these
16 records? I'm showing you the first page here.

17 A It started on December 3rd of 2012.

18 Q And finally the last page of the exhibit here.

19 A February 24th, 2013.

20 Q Drawing your attention back to page one of this exhibit,
21 could you explain to the jury how you were able to figure out
22 when a particular fare or taxi trip started -- I'm sorry, a
23 particular shift of the defendant's started?

24 A Well, not knowing when the defendant had started his
25 commute time and started -- really started his shift for that

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1 particular day, I relied on these logs as -- as being when
2 they would have started, approximately when they would have
3 started. So for example, in looking at the start date there,
4 the first two entries of 1741 and 1740, those I discounted
5 because when these logs are created, it seems that every trip
6 start -- every trip contains a start date time and also a
7 start location and end location, which is denoted in -- to the
8 right of the page there. So being that the first two entries
9 have no start address and end address, I -- I concluded that
10 those weren't an actual trip. For various reasons, it could
11 have been like just a -- a machine error.

12 So going down to the third since the start time was
13 18:23, nothing preceded that according to this chart, I used
14 that time as the start time --

15 Q And that's --

16 A -- of the shift.

17 Q Excuse me for interrupting.

18 A So, now going to the next column where it says "end
19 date," you have an end date and end time, I went through those
20 times until I went -- I came to a time where there was an end
21 of a fare and then the next fare was there was a significant
22 amount of time that had passed between the start of the next
23 fare.

24 So for example, in here on 12/4/2012, you have an
25 end fare time of 1:35 a.m. The next one didn't start until

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1 that same day, yes. So the next start didn't start until
2 18:13, which was -- which is 6:13 p.m. Since there's a huge
3 gap in between times, I came to the conclusion that the
4 defendant ended that shift right after 1:35 a.m. and started
5 another shift at 18:13, 6:13 p.m.

6 Q So just to be clear, the first entry in the shift that
7 began on December 3rd of 2012 you're telling us began at 18:23
8 when this first completed trip is denoted?

9 A Well, that would be the time of the first trip started.
10 That's denoted as 18:23.

11 Q And you determined that the shift ended the following
12 calendar day on December 4th at 1:35 in the morning when this
13 last fare in this sequence was completed; is that correct?

14 A That's correct.

15 Q Is that the system you used for each of the date entries
16 that are represented in this chart?

17 A Yes.

18 Q Special Agent Lee, in performing that analysis, did you
19 reduce it and review the contents of a summary exhibit
20 demonstrating the shifts?

21 A Yes, I did.

22 MS. GANDY: Your Honor, I apologize, if I could
23 publish this for the witness only at first.

24 THE COURT: You may.

25 (The above-referred to exhibit was published to the

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1 witness.)

2 Q Are you able to see that, Special Agent Lee?

3 A Yes.

4 Q Do you recognize that?

5 A Yes.

6 Q What is that?

7 A It's a graph chart of the durations of the defendant's
8 taxi shifts, taking into account the December 3rd, 2012 to
9 February 24th, 2013, and on the -- close to the bottom of that
10 chart there's average times, and then on a particular date
11 there's an actual shift start time, shift end time.

12 Q And Special Agent Lee, in preparation for your testimony
13 here today, did you review the data entered on this chart and
14 verify its accuracy?

15 A Yes, I did.

16 Q What did you base the analysis on?

17 A Off the TLC taxi log.

18 Q Is that the log you just looked at and explained to us?

19 A That's correct.

20 Q And does this chart fairly and accurately represent in
21 graph form and in summary language the data that you reviewed
22 in Government's Exhibit 602 that we just looked at?

23 A Yes, it does.

24 MS. GANDY: Your Honor, I'd offer into evidence
25 Government's Exhibit 606.

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1 THE COURT: Who prepared the chart?

2 MS. GANDY: The chart was prepared by members of the
3 Government's team and reviewed and edited by Special Agent
4 Lee.

5 THE COURT: Is that what happened?

6 THE WITNESS: Yes, Your Honor.

7 THE COURT: Who prepared the chart on the
8 Government's team?

9 MS. GANDY: Richard Tucker, I believe, was the
10 primary person behind the preparation of this chart, Your
11 Honor.

12 THE COURT: Any objection?

13 MR. SOSINSKY: I would have some voir dire.

14 Yes, there is currently.

15 THE COURT: Well, I'll let it in as an aid to the
16 witness's testimony. It will assist you in doing it, but it's
17 not something that's a business record. It's not prepared in
18 the ordinary course by the Taxi and Limousine Commission or by
19 these agents. This is just something that's been prepared as
20 an aid for the witness's testimony at trial.

21 Is that right?

22 MS. GANDY: Well, Your Honor, we do seek to admit it
23 as an exhibit or a piece of evidence at trial.

24 THE COURT: Well, how can it be a piece of evidence
25 if the prosecutors prepared it?

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1 MS. GANDY: Because the agent has testified that he
2 reviewed the entries and verified the accuracy relying on
3 exhibits that are in evidence before the Court.

4 THE COURT: Well, did you prepare this?

5 THE WITNESS: Not this chart, no.

6 THE COURT: Okay. I'm not going to admit it as
7 evidence. I will let the witness refer to it and let the jury
8 see it as an aid to the testimony. So it can come in for that
9 limited purpose.

10 You may recall in the beginning I said there were
11 some things I would admit for limited purposes and some things
12 that I would admit, period, full stop. This is admitted for a
13 limited purpose. So I'm not making the Government or the
14 defense happy, but I'm actually complying with the Rules of
15 Evidence.

16 Okay. You can publish it.

17 And you can testify about it for that purpose as an
18 aid to your testimony, but it's not evidence. Go ahead.

19 (The above-referred to exhibit was published.)

20 BY MS. GANDY:

21 Q Special Agent Lee, if you could, for the jury's benefit,
22 sort of explain to us how this bar graph that you reviewed and
23 edited is organized.

24 THE COURT: And if you promise not to zap the
25 lawyers, I'll let you use a laser pointer if that would be

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1 help helpful.

2 Would that be helpful to point to things?

3 THE WITNESS: Yes.

4 THE COURT: Again, no zapping the lawyers or the
5 judge.

6 Go ahead.

7 A So this here is the bar graph (indicating). Each bar
8 shown here denotes the duration of the taxi shift, the
9 defendant's text shift on a particular day. Toward the bottom
10 of this graph here listed each day. That was taken into
11 account in intervals of every two days. So you see it says
12 12/3/2002, the next one is 12/5. So it doesn't list every
13 single date.

14 And on the left-hand side of the chart here is just
15 intervals of three, six, nine and twelve hours, and that just
16 represents -- it's like a reference point to help, to guide
17 you and to help you in --

18 THE COURT: Keep speaking into the microphone. Just
19 raise it up a little bit. It will move.

20 A This will --

21 THE COURT: See the difference?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: Go ahead.

24 A This will help you in referencing how long the taxi
25 shifts are, and so this dotted line represents the average

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1 shift that I was able to calculate and that's 7 hours and 39
2 minutes, and this last bar here that's highlighted in the red
3 circle is on that particular day on 12 -- on February 24,
4 2013, the shift I calculated to be only 2 hours and 38
5 minutes.

6 Down here on the bottom --

7 Q If I could just stop you one moment there, Special Agent
8 Lee. One question before we move on to the summary on the
9 bottom.

10 You indicated that this bar graph represents what
11 date range of activity for the defendant's driving records?

12 A From 12/3/2012 to February 24th, 2013.

13 Q And at a couple of intervals across the bar graph it's
14 apparent that there is no bar represented.

15 Can you explain to the jury why there are days where
16 there is no bar activity?

17 A According to the TLC records, there was no fare pickups
18 or drop-offs for that particular day, so I concluded that the
19 defendant was either off or had absolutely no fares.

20 Q I believe you were starting to tell us, based on your
21 review of the data, were you able to determine the average
22 shift start time, the time that the defendant typically
23 started his shift during the relevant time period?

24 A Yes, I was.

25 Q What time did you determine that to be?

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1 A 7:09 p.m.

2 Q How were you able to determine that?

3 A I took the -- I took the average -- I took the start
4 times of every day -- of every shift from 12/13/2012 to
5 2/23/2013 and using Excel I used the -- I used the average
6 function and that came up with the time 7:09 p.m.

7 Q And is that conclusion reflected here in the bottom
8 summary graph in the middle column at the top?

9 A Yes, it is.

10 Q And you noted that that represents the average between
11 December 3rd of 2012 and February 23rd of 2013, correct?

12 A That's correct.

13 Q Were you also able to determine the average time or
14 typical time that the defendant ended his shift during this
15 relevant time period?

16 A Yes.

17 Q What did you determine that to be?

18 A I determined that to be 2:48 a.m.

19 Q And how did you go about doing that analysis?

20 A I used Excel also using the end times of each shift.

21 Q After confirming the typical start time and typical end
22 time, or the average start time and end time during this
23 period, were you able to make a determination about the
24 average shift duration or how long he typically drove on a
25 given shift?

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1 A I was.

2 Q What were you able to determine that to be?

3 A I determined that to be 7 hours and 39 minutes.

4 Q How were you able to determine that?

5 A Using Excel also.

6 Q I'd now like to direct your attention specifically or
7 focus your attention on February 24th, the final entry on the
8 bar graph at the right-hand side.

9 At what time did the defendant's first fare or the
10 beginning of his shift on February 24th take place?

11 A That was at 7:54 p.m.

12 Q And is that reflected here on the bottom of the graph?

13 A Yes, it is.

14 Q On the right-hand side.

15 When was the last fare of that shift on February
16 24th for the defendant?

17 A The last fare ended at 10:32 p.m.

18 Q And all told, how long did the defendant drive, or how
19 long was his shift then on February 24th?

20 A That shift was only 2 hours and 38 minutes.

21 THE COURT: Where is that on the chart? Can you
22 show it with the laser, please?

23 THE WITNESS: It's listed here and also up here on
24 the -- by the bar graph (indicating).

25 THE COURT: Okay. Go ahead.

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1 BY MS. GANDY:

2 Q So is it fair to say that his shift on February 24th is
3 approximately five hours shorter than his average shift length
4 during the period of this December 3rd through February 24th
5 period?

6 A Yes, that's correct.

7 Q Special Agent Lee, I'd now like to turn your attention to
8 the cellphone record analysis that you described having
9 performed in anticipation of your testimony here.

10 Specifically, were you asked to review call activity
11 for a particular telephone?

12 A Yes, I was asked to review the call details for the
13 defendant's cellphone.

14 Q Do you remember off the top of your head what that
15 telephone number is?

16 A Yes, it's 917-853-7685.

17 Q Who is the service provider for that telephone number?

18 A T-Mobile.

19 Q And is that a cellular telephone or a landline number?

20 A It's a cellular telephone.

21 Q How did you go about reviewing the call activity for
22 telephone number 917-853-7685?

23 A I took the toll records and I -- I looked to see who the
24 defendant had -- was in contact with and the relevant numbers
25 that the defendant had contact with. I compared that to a

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1 couple of charts detailing his call records. I then -- for
2 some instances, I found that the defendant called a calling
3 card access number. I then reviewed the call details for that
4 calling card and I was able to match up or correlate the times
5 from the defendant's records and the calling card number
6 records to -- to identify a foreign number that the defendant
7 had called.

8 Q What company produced the original toll records where you
9 started your analysis?

10 A It was T-Mobile.

11 Q And in instances where the defendant used a calling card
12 to complete an international telephone call during the time
13 period you reviewed, how did the T-Mobile records reflect the
14 use of that calling card?

15 A The records showed that the defendant had called a
16 number, which turned out to be a access number for the calling
17 card.

18 Q And once you had determined that a call had been placed
19 from the defendant's phone to a calling card access number,
20 what were you able to do to determine who that call ultimately
21 connected with?

22 A I had to find out who the access number belonged to. In
23 looking through subpoenaed records for that access number, I
24 was able to determine who the defendant called on a particular
25 date and time using the calling card.

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1 MS. GANDY: Your Honor, if I might, at this point,
2 I'd like to publish for the jury Government's Exhibit 700, a
3 stipulation entered into between the parties.

4 THE COURT: You may do so.

5 (The above-referred to exhibit was published.)

6 MS. GANDY: So reading from Government Exhibit 700
7 which states as follows:

8 "It is hereby stipulated and agreed by and between
9 the United States of America, by Assistant United States
10 Attorneys Amanda Hector, Richard M. Tucker and Margaret E.
11 Gandy, and the defendant Mohammad Ajmal Choudhry, by his
12 attorney Frederick L. Sosinsky, Esquire, that:

13 "1. Government Exhibits 709 and 708 are true and
14 accurate copies of subscriber records and call detail records
15 for the period from November 3, 2012 through March 18, 2013,
16 maintained by T-Mobile USA, for telephone number 917-853-7685.

17 "2. Government Exhibits 712 and 711 are true and
18 accurate copies of subscriber records and call detail records
19 for the period from November 1, 2012 through March 18, 2013,
20 maintained by T-Mobile USA, for telephone number 347-307-0929.

21 "3. Government Exhibits 705 and 704 are true and
22 accurate copies of subscriber records and call detail records
23 for the period from November 1, 2012 through March 18, 2013,
24 maintained by T-Mobile USA, for the telephone number
25 347-330-3139.

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1 "4. Government Exhibits 715 and 714 are true and
2 accurate copies of subscriber records and call detail records
3 for the period from February 12, 2013 through May 14, 2013,
4 maintained by TracFone Wireless Incorporated, doing business
5 as SIMPLE Mobile, a wholesale partner to T-Mobile USA, for
6 telephone number 347-915-9904.

7 "5. Government Exhibits 718 and 717 are true and
8 accurate copies of subscriber records and call detail records
9 for the period from November 2, 2012 through March 18, 2013,
10 maintained by T-Mobile USA, for telephone number 917-916-4707.

11 "6. Government Exhibit 707 and 706 are true and
12 accurate copies of subscriber records and call detail records
13 for the period from November 2, 2012 through March 18, 2013,
14 maintained by T-Mobile USA, for telephone number 347-945-8069.

15 "7. Government Exhibits 702 and 703 are true and
16 accurate copies of subscriber records and call detail records
17 for the period from November 1, 2012 through March 28, 2013,
18 maintained by Cablevision, for telephone number 718-434-1976.

19 "8. Government Exhibit 719 contains true and
20 accurate copies of calling card call detail records,
21 maintained by Shiny Voice, for telephone numbers 718-434-1976,
22 347-458-8069, 917-916-4707, 347-307-0929, and 917-853-7685,
23 respectively.

24 "9. Government Exhibit 713 is a true and accurate
25 copy of calling card call detail records for the period from

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1 November 2012 through May 2013, maintained by Keku.

2 "10. Government Exhibit 710 contains true and
3 accurate copies of Boss Revolution calling card call detail
4 records, maintained by IDT, for, (a), the period from January
5 17, 2013 through February 3, 2013, for telephone number
6 917-853-7685, and (b), the period November 4, 2012 through May
7 13, 2013, for telephone number 917-330-3139.

8 "11. Government Exhibit 716 is a true and accurate
9 copy of calling card call detail records for the period from
10 November 27, 2012 through May 12, 2013, maintained by R2D2
11 Telecommunications, Incorporated, for telephone number
12 718-434-1976.

13 "12. Government Exhibit 701 is a true and accurate
14 copy of calling card call detail records for the period from
15 February 18, 2013 through March 29, 2013, maintained by 74
16 Telco, for telephone number 718-434-1976 and 347-915-9904.

17 "Finally, this stipulation and Government Exhibits
18 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712,
19 713, 714, 715, 716, 717, 718, and 719 may be admitted as
20 evidence at trial."

21 Dated June 26th, 2014 and signed by the parties and
22 the Court.

23 Your Honor, at this time, I'd offer into evidence
24 each of the exhibit numbers I've just read, as well as
25 Government Exhibit 700, the stipulation itself.

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1 THE COURT: Any objection?

2 MR. SOSINSKY: No, sir.

3 THE COURT: Admitted.

4 MS. GANDY: Thank you.

5 (Government's Exhibits 700, 701, 702, 703, 704, 705,
6 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717,
7 718, and 719 were received in evidence.)

8 THE COURT: You may publish.

9 MS. GANDY: If I may, at this time, Your Honor, I'd
10 like to publish for the witness only Government Exhibit 721 as
11 it's been premarked for identification.

12 THE COURT: You may do so.

13 (The above-referred to exhibit was published to the
14 witness.)

15 BY MS. GANDY:

16 Q Are you able to see that exhibit, Special Agent Lee?

17 A Yes.

18 Q Do you recognize it?

19 A Yes.

20 Q What is it?

21 A It's a chart detailing the defendant's call activity from
22 January 25th, 2013 to -- and January 26th, 2013 for the
23 defendant's phone number 917-853-7685.

24 Q And what was your involvement in the chart that is
25 labeled as Government Exhibit 721 for identification?

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1 A I was asked to compare this chart with the T-Mobile phone
2 records for the defendant and to verify that the chart
3 contained -- all the entries in the chart are accurate in
4 relation to those records.

5 Q And did you, in fact, do that?

6 A Yes.

7 Q What records did you rely on in reviewing the contents of
8 this chart and verifying the accuracy of the entries depicted
9 in it?

10 A I relied on the T-Mobile records for the defendant, the
11 Boss Revolution calling card records, defendant's contacts,
12 and TLC records.

13 Q And are those exhibits that you relied on reflected on
14 this exhibit itself?

15 A Yes, it is.

16 Q In addition to identifying the call activity that the
17 defendant's phone records revealed for the relevant time
18 period, were you also asked to identify who the relevant phone
19 numbers that the defendant was in contact with belonged to?

20 A Yes, I was.

21 Q Generally speaking, how did you go about doing that?

22 A While reviewing the call detail records for the
23 defendant, I came across relevant phone numbers. Once I had
24 those relevant phone numbers, I looked in to other documents
25 that were provided to me, documents that include defendant's

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1 phone contacts, two other Cellebrite reports containing phone
2 contacts for two other cellphones, Western Union records,
3 consensual monitored call transcripts, and along with
4 handwritten phonebook entries.

5 Q Were those exhibits that you've just described or the
6 items you've just described labeled as government exhibits?

7 A Most of them were, yes.

8 Q Does this Exhibit 721 fairly and accurately reflect a
9 summary of the data you analyzed as you've just described it
10 for the time period of January 25th, 2013 and January 26th,
11 2013?

12 A Yes, it does.

13 MS. GANDY: Your Honor, at this time, I'd offer into
14 evidence Government Exhibit 721.

15 THE COURT: Any objection?

16 MR. SOSINSKY: Is this as an aid or substantive,
17 judge?

18 Objection.

19 THE COURT: Overruled. This one comes in.

20 (Government's Exhibit 721 was received in evidence.)

21 MS. GANDY: If I may publish it?

22 THE COURT: You may publish it to the jury.

23 MS. GANDY: Thank you, Your Honor.

24 (The above-referred to exhibit was published.)
25

Lee - Direct / Gandy

1020

1 BY MS. GANDY:

2 Q To make it easier to read, I'm going to focus your
3 attention, Special Agent, first on the top half of the
4 document, if I could.

5 A Okay.

6 Q If you could, just generally speaking, explain the manner
7 in which this chart is organized.

8 A So the call activity's organized in this chart. The
9 first column --

10 THE COURT: Whoa, whoa, slow down, cowboy. You got
11 a court reporter taking it down.

12 A So the first column label "Caller" is the person
13 identified as the one initiating the phone call. The second
14 column titled "Person Called" is where the call went to or the
15 person that the call -- caller was calling. The third column
16 is the time in New York of the call. The fourth column is the
17 time in Pakistan, and the fifth -- the fifth and last column
18 is the length of the -- the approximate length of phone call,
19 of the call.

20 Q Before we go through this chart in detail, you mentioned
21 that you were asked to perform an additional step of analysis
22 to determine who utilized a particular phone number that the
23 defendant was in contact with; is that correct?

24 A Yes.

25 Q And did you create or review and verify the accuracy of a

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1 summary chart indicating some of the contacts that the
2 defendant spoke to or received calls from most frequently?

3 A Yes, I did.

4 MS. GANDY: If I may, Your Honor, I'd like to
5 publish for the witness only Government Exhibit 720 as it's
6 been premarked for identification.

7 THE COURT: You may.

8 (The above-referred to exhibit was published to the
9 witness.)

10 BY MS. GANDY:

11 Q Special Agent Lee, do you recognize Government
12 Exhibit 720?

13 A I do.

14 Q What is it?

15 A That is the summary of the defendant's contacts relating
16 to the relevant numbers that I identified in the phone
17 records, the name of the person that I was able to identify as
18 utilizing that number, and how I was able to make that
19 identification.

20 Q Does this chart reflect every phone number that the
21 defendant was in contact with during the relevant time periods
22 you analyzed?

23 A No.

24 Q Does the chart accurately reflect the telephone numbers
25 that you did review and the person who utilized that telephone

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1 number and the source, the government exhibit that you relied
2 upon to make that determination?

3 A I did, yes.

4 MS. GANDY: Your Honor, at this time, I'd offer into
5 evidence Government Exhibit 720.

6 THE COURT: Any objection?

7 MR. SOSINSKY: No.

8 THE COURT: It's admitted.

9 (Government's Exhibit 720 was received in evidence.)

10 MS. GANDY: If I could publish it, please.

11 THE COURT: You may publish.

12 (The above-referred to exhibit was published.)

13 BY MS. GANDY:

14 Q So Special Agent Lee, if you could just explain again the
15 organization of this chart for the jury's benefit.

16 A So on the first column labeled "Number" is the relevant
17 phone number that the defendant had contact with. The second
18 column is the person that I was able to identify as utilizing
19 that phone number, and the third column is -- lists the
20 exhibits that I used to make that identification.

21 Q And is it fair to say that the data contained in the
22 third column on the right-hand side, that you reviewed each of
23 the underlying exhibits referenced to verify that they did
24 reflect the information summarized there?

25 A Yes.

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1023

1 Q So specifically if you could, talk us through the first
2 entry for the telephone number 917-853-7685 and how you
3 determined that the defendant was the one who utilizes that
4 cellphone number.

5 A Upon review of the five consensual call transcripts
6 labeled Exhibit 101, 102, 104, 105 and 106, that number
7 917-853-7685 appeared in those transcripts, on top of the fact
8 that the defendant was identified as answering that phone
9 number when the call was made to him.

10 Q What else did you rely upon?

11 A I also reviewed a Western Union record where one of the
12 transactions listed the sender as being a Mohammad Choudhry.
13 Next to that name was a sender phone number that was listed
14 and that listed 917-853-7685, and also upon reviewing the
15 T-Mobile subscriber records for 917-853-7685, the T-Mobile
16 subscriber record reflected that the user was Mohammad A.
17 Choudhry at 817 Foster Avenue in Brooklyn.

18 Q And again what was the significance of that address in
19 the context of this investigation?

20 A That's the defendant's residence.

21 Q In a number of places on this exhibit it indicates that
22 the defendant had a particular phone number saved in his phone
23 contacts list under a specific name.

24 Do you see that?

25 A Yes.

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1 Q For example, I'll direct your attention to the fourth
2 entry down telephone number 92-346-586-3027.

3 As an initial step, what is the significance of the
4 numbers 9-2 that appear at the front end of that telephone
5 number?

6 A That's the country code, the telephone dialing country
7 code for Pakistan.

8 Q Does that therefore indicate that this is a Pakistani
9 telephone number?

10 A Yes.

11 Q You've identified the utilizer of that phone as -- by the
12 initials AK, and I note in the right-hand column it says
13 "Defendant's phone contacts A .K which comes from
14 Exhibit 331."

15 Can you explain to us how you were able to determine
16 what the defendant's phone contacts had a certain number saved
17 as?

18 A The Exhibit 331 is a Cellebrite report of a cellular
19 telephone. I was able to match up the IMSI number that's
20 listed in that Cellebrite report, which is unique to each
21 individual device, to the IMSI number that is listed on the
22 defendant's T-Mobile subscriber information. Thereby I was
23 able to link that phone, that Cellebrite report containing
24 phone contacts along to the defendant's cellphone.

25 Q So specifically I'm going to publish Government

Lee - Direct / Gandy

1025

1 Exhibit 331 that's in evidence.

2 (The above-referred to exhibit was published.)

3 Q Do you recognize that?

4 A Yes.

5 Q What is that?

6 A That's the Cellebrite report.

7 Q You said you relied on the IMSI number that's indicated
8 on this report; is that correct?

9 A That's correct.

10 Q Do you see that number indicated in the exhibit before
11 you?

12 A Yes.

13 Q What is that number?

14 A It is the --

15 THE COURT: Use the laser. That's why I gave it to
16 you on loan.

17 A It's this line here where it's listed as IMSI and that
18 number being 301 --

19 THE COURT: No.

20 A 310 --

21 THE COURT: There you go.

22 THE WITNESS: My apologies.

23 THE COURT: Take your time.

24 A 260586924806.

25 Q And you indicated that you matched that number to the

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1 subscriber records; is that correct?

2 A That's correct.

3 Q I'm now showing you what's in evidence as Government's
4 Exhibit 709.

5 (The above-referred to exhibit was published.)

6 Q Do you recognize that exhibit?

7 A Yes.

8 Q What is it?

9 A That is the T-Mobile subscriber record for 917-853-7685.

10 Q And is the IMSI number reflected on this exhibit?

11 A Yes, halfway down there it is (indicating) with the same
12 number as the Cellebrite report.

13 Q Based on the correlation of those two numbers, is that
14 how you determined that Government Exhibit 331 reflects the
15 phone contacts and other data recovered from the defendant's
16 phone in particular?

17 A Yes.

18 Q In performing your analysis that led to the verification
19 of Government Exhibit 720 and the data contained therein, did
20 you do a similar process for any of the other phones that were
21 seized during the course of this investigation?

22 A Yes, I did that for two other phones.

23 Q What other phones did you do that for?

24 A I did that for the phone 347-307-0929 and also
25 917-916-4707.

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1 Q And specifically with regard to the first number you
2 listed, you've identified 347-307-0929 on this chart as being
3 a number that's utilized by someone named Jamil; is that
4 correct?

5 A That's correct.

6 Q And specifically it indicates that Exhibit 403 was the
7 source of data recovered from Jamil's phone contacts, is that
8 right, in other parts of the chart?

9 A Yes.

10 Q I'd now like to publish Government Exhibit 403 that's in
11 evidence.

12 (The above-referred to exhibit was published.)

13 Q Can you tell us what we're looking at there?

14 A That's a Cellebrite report for Jamil's cellphone.

15 Q Does that Cellebrite report indicate an IMSI number like
16 the last one did?

17 A Yes, it does.

18 Q Can you tell us what that number is?

19 A That number there is 310260621844721.

20 Q Were you able to link that IMSI number with information
21 from another government exhibit relevant to identifying the
22 telephone number assigned to this phone?

23 A Yes.

24 Q What did you use?

25 A The T-Mobile subscriber information for the Jamil's phone

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1 number.

2 Q Showing you now Government Exhibit 712 that's in
3 evidence.

4 (The above-referred to exhibit was published.)

5 Q Do you recognize that?

6 A Yes.

7 Q What is it?

8 A That's the subscriber information for the phone number
9 917- -- I'm sorry, no, 347-307-0929.

10 Q Does the IMSI number on this exhibit match the IMSI
11 number on the exhibit you just spoke about?

12 A Yes, it does.

13 Q And finally you said that you did a similar analysis for
14 telephone number 917-916-4707; is that right?

15 A That's correct.

16 Q And that's reflected here on the chart (indicating)?

17 A Yes.

18 Q Can you tell us who you identified as the utilizer of
19 that phone?

20 A I identified that person as being Shakeel.

21 Q And drawing your attention to Government Exhibit 341
22 that's in evidence.

23 (The above-referred to exhibit was published.)

24 Q Do you recognize this exhibit?

25 A Yes, that's a Cellebrite report.

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1 Q What telephone number does this Cellebrite report pertain
2 to?

3 A This report actually captured the cellphone number
4 associated with a device and that number is 917-916-4707.

5 Q Did each of these three Cellebrite reports that you've
6 just testified about form the basis upon which you concluded
7 that a certain number was saved in either Shakeel, Jamil or
8 the defendant's cellphone under a particular name?

9 A Yes.

10 Q And is that reflected on the chart, Government
11 Exhibit 720?

12 A Yes, it is.

13 Q I'd now like to draw your attention back to Government
14 Exhibit 721, the call analysis that you began to testify about
15 regarding January 25th and January 26th of 2013.

16 (The above-referred to exhibit was published.)

17 Q If you could focus your attention first on the first
18 entry which you've already talked us through initially.

19 Is it fair to say that in each instance that a
20 caller or a person called is identified by the name
21 "defendant" it is based on the call having been placed by or
22 received by the telephone number indicated at the top of the
23 screen?

24 A Yes, that's correct.

25 Q And that is 917-853-7685, correct?

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1 A Yes.

2 Q Using again line 1 as a frame of reference, what is the
3 significance of a box entry on this chart where there are two
4 telephone numbers listed as there are in the first entry under
5 the name AK?

6 A That denotes that the defendant called an international
7 number through a calling card.

8 Q Turning to the next column where it says "Time in New
9 York," where did the information about the time that the call
10 was made or received, the time in New York when the call was
11 made or received, where did that information come from?

12 A From the defendant's T-Mobile records.

13 Q And the time in Pakistan at the time that a particular
14 call was made or received, how was that determined?

15 A Pakistan I know to be ten hours ahead of New York. So I
16 just added the -- the ten hours to each of the New York times.

17 Q Is Pakistan always ten hours ahead of New York?

18 A No, it depends on whether we're observing Daylight
19 Savings Time or not.

20 Q And specifically on January 25th and 26th of 2013, what
21 was the time difference between New York Eastern Standard Time
22 and the time in Pakistan?

23 A That was ten hours.

24 Q And just to be clear, in column 2 where it says first the
25 917-628-2805 telephone number, what's the significance of that

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1 number?

2 A That is the access number for the calling card that the
3 defendant called.

4 Q And the longer number below, 92-346-587-3027, what is the
5 significance of that number?

6 A That is the ultimate foreign number that the defendant
7 called.

8 Q And is that pattern consistent throughout this chart
9 where there are two numbers listed, that the first reflects
10 the calling card access number and the second number reflects
11 the number ultimately connected with?

12 A Yes, that's correct.

13 Q Drawing your attention to the second data point entry,
14 you mentioned earlier that you also relied on TLC trip data
15 records in order to complete this chart; is that right?

16 A That's correct.

17 Q Can you explain to us what the significance of the data
18 summary in line two is?

19 A That denotes the last taxi trip that the defendant made
20 on January 25th, that it ended in Brooklyn at 3:37 a.m.

21 Q Does this summary chart, Exhibit 721, reflect all of the
22 defendant's call activity in the given time period reflected
23 of January 25th and January 26th?

24 A No.

25 Q Fair to say it's just a selection of calls during that

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1 period?

2 A That's correct.

3 Q And during this relevant time period, this two-day
4 period, how many times did the defendant speak to the
5 telephone number that's identified as being utilized by
6 someone whose initials are AK?

7 A I believe it was approximately ten times.

8 Q And directing your attention to each one here in the
9 first line, he received a -- or, excuse me, placed a call to
10 the AK number; is that correct?

11 A That's correct.

12 Q And here about halfway down the page the AK number called
13 the defendant?

14 A That's correct.

15 Q What was the time of that call?

16 A That's 3:43 a.m. on January 26th in New York and that
17 would have been 1:43 p.m. in Pakistan.

18 Q Going through the next two calls, can you tell us who
19 placed the call, who received it, and when the call occurred?

20 A The defendant placed both phone calls to AK at 5:51 a.m.
21 and 6:29 a.m. respectively and the time --

22 THE COURT: What times?

23 THE WITNESS: 5:51 a.m. and 6:29 a.m.

24 THE COURT: Go ahead.

25 A And those times would have been 3:51 p.m. and 4:29 p.m.

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1 in Pakistan, and they were both -- the first one was more than
2 four minutes and the second one was less than a minute.

3 Q After the defendant connected calls with the number
4 utilized by AK at 3:51 p.m. in Pakistan and 4:29 p.m. in
5 Pakistan, what's the next call activity that occurred over the
6 defendant's phone?

7 A At -- in Pakistan time at 4:32 p.m. AK called the
8 defendant and that was a more than one-minute phone call, and
9 again at 8:02 p.m. Pakistan time the AK called the defendant
10 again and that was a more than six-minute phone call.

11 Q So fair to say that during this relevant time period
12 between 3:51 p.m. in Pakistan and 4:32 or so in Pakistan in
13 the afternoon, the defendant had three different phone calls
14 with the person who utilized the AK number?

15 A That's correct.

16 Q Turning your attention to the second page of this
17 exhibit.

18 Is there additional call activity during the
19 relevant time period with the person who utilized the AK phone
20 number?

21 A Yes.

22 Q Could you explain those calls to us?

23 A At 9:34 p.m. in New York, AK called the defendant. The
24 time in Pakistan would have been 3 -- sorry, 7:34 a.m., and it
25 was a more than three-minute phone call. At 11:02 p.m. in New

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1 York, the defendant called AK and that time in Pakistan would
2 have been 9:02 a.m., and the length of call was more than a
3 minute. And at 11:04 p.m. in New York time, AK called the
4 defendant and had a more than three-minute phone call.

5 Q In addition to these calls that you've just identified
6 between the defendant and the person who utilized the phone
7 number that ended in '3027, who were the other individuals
8 that the defendant has identified as having been in phone
9 contact with during these two-day period as reflected on the
10 chart?

11 A The defendant had contact with an individual named Javed
12 at 92-300- --

13 THE COURT: How is that spelled?

14 MS. GANDY: It's J-A-V-E-D.

15 THE COURT: I was asking the witness.

16 MS. GANDY: Sorry, Your Honor.

17 THE WITNESS: That's spelled J-A-V-E-D.

18 THE COURT: Go ahead.

19 A At phone number 92-300-872-0875.

20 Q Was the identity of the person utilizing that telephone
21 number reflected on Government's Exhibit 720, the summary
22 chart that we talked about earlier?

23 A Yes, it is.

24 Q I draw your attention back to Government Exhibit 720 for
25 a moment, and directing your attention here to the entry with

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1 the telephone number that ends in '0875, how did you determine
2 that Javed was the person who utilizes that phone number?

3 A Well, using Jamil's phone contacts, I -- that number
4 appeared in his phone contacts as CHCH Javed, J-A-V-E-D. He
5 was -- in looking in Shakeel's phone contacts, that number
6 appeared under Chacha Javeed, that's J-A-V-E-E-D.

7 Q Is the telephone number utilized by Javed a domestic
8 number here in the U.S. or a Pakistani number?

9 A It's a Pakistani number.

10 Q How are you able to determine that?

11 A Based off the dialing code 9-2 that was dialed.

12 Q And finally, who is the third person identified as having
13 had contact with the defendant during the relevant time
14 period, according to this chart?

15 A That would be Akmal.

16 Q And how were you able to determine that Akmal was the
17 person who utilized the telephone number 92-300-871-5569 as
18 identified in the third call listed here?

19 A I went through the same process, I referred to
20 Exhibit 720.

21 Q Did the person identified as Akmal utilize the same
22 number throughout his contact with the defendant during this
23 relevant time period?

24 A No.

25 Q What other number did he use?

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1 A Further down at January 26th at New York time of 12:13
2 a.m., Akmal was dialed using the number 92-343-871-5569.

3 Q I'd like to direct your attention back to Government
4 Exhibit 720, and if you could explain to the jury how you were
5 able to determine that Akmal was the person who utilized each
6 of these two phone numbers that you've just mentioned?

7 A Under Shakeel's phone contacts, two numbers were listed
8 for the name Chacha Pak and that -- those both numbers were
9 the 92-500-871-5569 and the 92-343-871-5569.

10 In addition, for the number that has the area code
11 300, I used Western Union records. During that -- one of the
12 transactions, a paid phone number that matched that number
13 there was listed for someone who was receiving money, that
14 payee being Mohammad Akmal, and also for that 300 number I
15 reviewed a handwritten phonebook entry where it was listed as
16 Choudhry Mohammad Akmal.

17 MS. GANDY: If I could, Your Honor, I'll publish
18 Government Exhibit 406 that's in evidence.

19 THE COURT: You may publish.

20 MS. GANDY: Thank you.

21 (The above-referred to exhibit was published.)

22 Q Special Agent Lee, can you explain to us what you were
23 looking at here?

24 A That is the copy of the handwritten phonebook entry that
25 I reviewed. It had Akmal's number being towards the bottom.

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1 Q On the left-hand side here?

2 A Yes, with the translation of the writing to mean Choudhry
3 Mohammad Akmal.

4 Q And that's the 300 number ending in '5569 indicated; is
5 that right?

6 A That's correct.

7 Q And both that number and the corresponding number, that's
8 only different in that it's 92-343 in stead of 92-300 were
9 both saved in Shakeel's contact list under the title "Chacha
10 Pak"; is that right?

11 A That's correct.

12

13 (Continued on following page.)

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1 BY MS. GANDY:

2 Q So drawing your attention back to Government Exhibit 721,
3 if you could just talk us through the phone contact that you
4 identified as having occurred between the two numbers utilized
5 by Akmal, and the defendant, during this relevant time period.

6 A So in New York time, at 4:39 a.m., Akmal, at the 92300
7 number, called the defendant, for a little over a minute --
8 less than a minute. The defendant then called Akmal at the
9 same 92-300 number, at 4:54 a.m., and had a four-minute --
10 more than four-minute conversation.

11 At 5:03 a.m., Akmal, at the 92-300 number, called
12 the defendant and they had more than an 18-minute phone
13 conversation.

14 On January 26th, at 12:13 a.m. in New York, the
15 defendant called Akmal at the 92343 number, and had more than
16 eight-minute phone call. The defendant, again, called Akmal
17 at that 92-343 number at 12:48 a.m., in New York, New York
18 time, and had more than two-minute phone call. Then there was
19 no --

20 Q Directing your -- I'm sorry?

21 A Go ahead.

22 Q Directing your attention now to the evening of
23 January 26th, 2013, in Pakistani time, specifically a call
24 that occurred at 8:57 p.m., can you tell for us the contact
25 that the defendant had with the Akmal number at that time?

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1 A Yes. At 8:57 p.m. in Pakistani time, on January 26th,
2 the defendant called Akmal at the 92-343 number and had a more
3 than 13-minute phone call.

4 Q Special Agent Lee, did you perform similar analysis for
5 another period of time in preparation for your testimony here
6 today?

7 A Yes, I did.

8 MS. GANDY: Your Honor, if I may publish for the
9 witness only, Government Exhibit 722 --

10 THE COURT: Go ahead.

11 MS. GANDY: -- that's been marked for
12 identification.

13 (Exhibit published to the jury.)

14 Q Are you able to see that exhibit, Special Agent Lee?

15 A Yes, I am.

16 Q Do you recognize it?

17 A Yes.

18 Q What is it?

19 A It is the call activity for the defendant relating to
20 10:00 p.m. -- from 10:00 p.m., February 24th, 2013, to
21 10:00 p.m., February 25th, 2013, for the defendant's phone
22 number, 917-853-7685.

23 Q And what role did you play in reviewing the contents of
24 this and verifying the accuracy of the information detailed in
25 Government Exhibit 722, as it's been marked for

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1 identification?

2 A I did the same analysis that I did with the previous
3 chart.

4 Q What records did you rely on in order to verify the
5 accuracy of the information depicted here?

6 A The defendant's T-Mobile record, TLC records, the
7 defendant's phone contacts and also the calling card records
8 for shiny voice.

9 Q In addition to identifying the phone numbers that the
10 defendant was in contact with, either by receiving calls or
11 making calls, did you also identify the person in some
12 instances who utilized this specific phone that the defendant
13 had contact with?

14 A Yes, I did.

15 Q How did you do that?

16 A I referred to Exhibit 720.

17 Q Does this exhibit, Government Exhibit 722, fairly and
18 accurately reflect a summary of the analysis that you reviewed
19 and performed, in preparation for your testimony, according to
20 the defendant's call activity during the time period you've
21 described?

22 A It does.

23 MS. GANDY: Your Honor, I'd offer into evidence,
24 Government Exhibit 722.

25 THE COURT: Any objection?

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1 MR. SOSINSKY: No.

2 THE COURT: It's admitted. You may publish it.

3 MS. GANDY: Thank you.

4 (Government's Exhibit 722 was received in evidence.)

5 (Exhibit published to the jury.)

6 BY MS. GANDY:

7 Q If you could just give the jury an orientation of what
8 we're looking at here.

9 A For the most part, this chart is similar to the previous
10 chart. So the first column where it's listed as caller is the
11 person that initiated the phone call and also who I was able
12 to identify as making the phone call. The second column there
13 listed as person called is who the caller was calling. The
14 third column is the time in New York. The fourth column is
15 the time in Pakistan, and the fifth column is the approximate
16 length of time.

17 Q And you indicated that this chart reflects the call
18 activity between February 24th, starting at 10:00 p.m., and
19 February 25th, ending at 10:00 p.m., is that correct?

20 A That's correct.

21 Q Does this chart reflect all of the defendant's call
22 activity during that relevant time period?

23 A It does.

24 Q And at the bottom of this first page, there's an entry
25 that says sources, and there's a number of exhibits listed,

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1 what is the relevance of that information?

2 A Those are the exhibits that I used to verify this chart.

3 Q Again, similar to the last exhibit, is it fair to say
4 that every time a caller or person called is identified by the
5 name defendant, that means that the call activity occurred
6 over the telephone number listed at the top of the page,
7 917-853-7685?

8 A Yes, it is.

9 Q This chart identifies a number of individuals that the
10 defendant had contact with that we didn't previously discuss,
11 is that fair to say?

12 A Yes, that's correct.

13 Q And without going through all of them, is it fair to say
14 that in each instance where a party is identified as the user
15 of a certain number, that conclusion is reflected in
16 Government Exhibit 720 and supported by the exhibits that are
17 reflected there?

18 A That's correct.

19 Q Just to highlight a few quickly, starting with the first
20 entry, can you tell us what number this is and how you
21 identified the user of that phone?

22 A That number is 92-347-631-5868. And referring over to
23 Exhibit 720, going down five entries from the top there, yeah,
24 after finding that I found that number in the defendant's
25 phone contacts --

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1 THE COURT: Which number?

2 THE WITNESS: I'm sorry, the 92-347-631-5868.

3 THE COURT: Go ahead.

4 A I found that number to be in defendant's phone contacts,
5 which is listed as Exhibit 331 under the name Nasar. That's
6 N-A-S-A-R, and also I reviewed an I130 petition, which is
7 Exhibit 501, where the phone number was listed for Abrar Ahmed
8 Babar, and on that petition, that person Babar was listed as a
9 son of Nisar Ahmed, so N-I-S-A-R.

10 MS. GANDY: And specifically, I'm publishing
11 Government Exhibit 501 that's in evidence.

12 THE COURT: I'm sorry, what's the number?

13 MS. GANDY: 501, Your Honor.

14 THE COURT: 501 in evidence. Go ahead.

15 MS. GANDY: Thank you.

16 (Exhibit published to the jury.)

17 BY MS. GANDY:

18 Q Do you see on here where the telephone number you just
19 testified about is indicated?

20 A Yes, that's it.

21 Q That's here on the right-hand side towards the top of the
22 screen?

23 A Yes, it is.

24 Q If you could just read for us the number?

25 A It's 03476315868.

Lee - Direct / Gandy

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1 Q And turning to the front of that page, who does it
2 indicate as the party for whom that telephone number was
3 listed?

4 A It indicates that it's a contact number for Abrar Ahmed
5 Babar.

6 Q And you said that the document also indicates that he is
7 the son of Nisar Ahmed, is that correct?

8 A That's correct.

9 Q In addition, Government Exhibit 722 highlights phone
10 contact with an individual who's identified by the name
11 Mazhar, is that correct?

12 A That's correct.

13 Q Using Government Exhibit 720, can you tell us how you
14 identified a telephone number as having been used by Mazhar?

15 A I found the number that belonged to Mazhar as being
16 92-301-626-2095 after reviewing handwritten phone book entry,
17 Exhibit 406.

18 Q Publishing for you Exhibit 406 that's in evidence, can
19 you tell us how you came to that conclusion?

20 A Towards the bottom of that bottom right-hand corner of
21 that exhibit, is listed the number 03016262095 and the name
22 associated with it is Choudhry Mazhar Iqbal.

23 Q And is that also the number listed above on the
24 right-hand side in the handwritten portion of this exhibit?

25 A Yes, it is.

Lee - Direct / Gandy

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1 Q In 722, you also identified call activity with a person
2 identified as Javed using a different number than the Javed
3 number we talked about in the last exhibit, is that right?

4 A That's correct.

5 Q What other telephone number did you identify as having
6 been utilized by Javed?

7 A I identified Javed as issuing 92-347-630-1532. And I
8 used Exhibit 406, the handwritten phone book entry.

9 Q Showing you Government Exhibit 406, again in evidence
10 already, if you could explain what you used to come to that
11 conclusion?

12 A In that phone book entry listed right here is the number
13 03476301532, and the translation for the writing next to it
14 comes to Chacha, Javed Iqbal.

15 Q And finally, the last number or contact I'd like to
16 identify is a contact that is detailed in 722 as having
17 occurred between the defendant and someone who utilized a
18 phone number identified -- I'm sorry, a person identified as
19 having used a telephone number whose name is Sain Ashfaq. Do
20 you see that entry here on 720?

21 A Yes.

22 Q Can you tell us what telephone number you identified as
23 having been used by Sain Ashfaq?

24 A I discovered a telephone number 92-345-856-4531 in the
25 defendant's phone contacts, listed as Sain.2. I also found

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1 that number, that same number, in Shakeel's phone contacts
2 listed under Ashfaq, Sain, and I also found the number while
3 we were reviewing the handwritten phone book entry for Sain
4 Ashfaq.

5 Q And drawing your attention to Government Exhibit 406,
6 it's in evidence, can you explain to us how you used this
7 record to determine who utilized the phone number ending 4176?

8 A In that exhibit, I discovered 03073214176 to be written
9 in that phone book entry and the writing next to it was
10 translated to be Sain Ashfaq.

11 Q Now, drawing your attention back to 722, summary exhibit.
12 Specifically drawing your attention to the first exhibit --
13 first entry on this exhibit, can you tell us what phone
14 contact you saw occurring with the defendant's cellular
15 telephone at 10:09 p.m. on February 24th of 2013?

16 A Nisar or Babar, at 92-347-631-5868 called the defendant
17 at 10:09 p.m. on February 24th, and was little more than
18 nine-minute phone call.

19 Q The next entry on this exhibit shows that the defendant's
20 final taxi trip began in Manhattan at 10:17 p.m. that same
21 evening, is that correct?

22 A That's correct.

23 Q Fair to say that the defendant was still on the telephone
24 with Nisar or Babar at the time that he picked up that final
25 fare?

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1 A Yes.

2 Q In the moment or the minutes after that final fare began
3 in Manhattan, how many calls did the defendant make or receive
4 before the fare ended?

5 A The defendant had contact with or -- made or received
6 four phone calls.

7 Q And were those with local numbers, domestic or Pakistani
8 numbers?

9 A Domestic numbers.

10 Q When did the defendant drop off his final fare of the
11 night on February 24th?

12 A As noted in the chart, at 10:32 p.m., on February 24th,
13 was when the final taxi fare ended, and it would have ended in
14 Brooklyn.

15 Q Looking below that entry, there's an entry showing that
16 the defendant called a calling card at 10:41 p.m., less than
17 ten minutes later, what is the significant of entries on this
18 chart where the person called is identified simply as calling
19 card?

20 A Those indicate calls that weren't completed, for whatever
21 reason. The defendant didn't make his phone call to a foreign
22 number.

23 Q And where calls are indicated as having been placed or
24 received from a U.S. number, what is the significance of those
25 calls?

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1 A Just the defendant who called a U.S. number that's not
2 relevant.

3 Q And how about in other instances where a number is
4 identified simply as a Pakistan number, for example, on the
5 second page, up towards the top?

6 A That also indicates that it was -- defendant had contact
7 with a Pakistan number that wasn't relevant.

8 Q Now, you said that this second entry relevant to the TLC
9 data shows that the defendant dropped off his last fare of the
10 night at 10:32 p.m., is that right?

11 A That's correct.

12 Q And based on your review of the TLC data, was that
13 typical for the defendant's shift to end at 10:32 p.m.?

14 A No, that wasn't.

15 Q How not?

16 A That was a significantly shorter trip, shorter shift than
17 the defendant typically had.

18 Q And now, Special Agent Lee, between the time that the
19 defendant dropped off this final fare of the night at
20 10:32 p.m. in Brooklyn, on February 24th, 2013, how many calls
21 did the defendant make or receive between that time when the
22 shift ended and approximately 2:30 p.m. in Pakistan, and feel
23 free to count the entries if you don't remember off the top of
24 your head. So beginning here at 10:32 p.m. on February 24th,
25 how many calls occurred either the defendant having made them

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1 or received them through the course of the first page?

2 A Twelve times.

3 Q Turning your attention to the following page, as the call
4 activity continues, how many calls did the defendant make or
5 receive up until 2:30 p.m. in Pakistan on February 25th?

6 A Twenty-seven calls.

7 Q So fair to say that between 10:32 p.m. on February 24th,
8 when the defendant finished his shift in Brooklyn, and the
9 corresponding time of approximately 2:30 p.m. in Pakistan on
10 February 25th, the defendant made or received 39 phone calls?

11 A That's correct.

12 Q And looking just at the corresponding New York time, that
13 means that he made or received 39 phone calls between
14 10:32 p.m. in New York, and approximately 4:30 a.m. the
15 following morning on the February 25th?

16 A That's correct.

17 Q During that relevant time period, what phone numbers did
18 you identify the defendant as having had contact with
19 utilizing Pakistani numbers of individuals you identified in
20 Government Exhibit 720?

21 A I identified the defendant having contact with an
22 individual using Pakistan numbers of Nisar or Babar, AK,
23 Jamil.

24 Q Directing your attention to the Jamil entry, is that a
25 Pakistani number or domestic number?

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1 A Mistaken. That is a direct number, a U.S. number.

2 Q And are there any other Pakistani-based numbers that you
3 identified the user by name during the period up until
4 2:30 p.m., approximately, in Pakistani?

5 A Mazhar. Mazhar.

6 Q And now drawing your attention specifically to the call
7 that the defendant received at 3:09 a.m. in the morning in New
8 York, on February 25th, and that corresponds to a time of
9 1:09 p.m. in Pakistan, is that correct?

10 A That's correct.

11 Q Who did the defendant receive that call from?

12 A Nisar or Babar.

13 Q How long did that call last?

14 A Little more than six minutes.

15 Q And what time was it in Pakistan when that call was
16 received?

17 A It's 1:09 p.m. in Pakistan.

18 Q What date was it in Pakistan at that time?

19 A That would have been the day after, which is February --
20 could you flip back?

21 Q Sorry, I didn't mean to confuse you.

22 A It's the same date, February 25th.

23 Q And drawing your attention now to the call that the
24 defendant received at approximately -- or at 2:38 p.m. in
25 Pakistan, the bottom entry on this page, who did that phone

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1 call come from?

2 A The defendant received a phone called from AK at
3 92-346-587-3027, and that was a little over a minute phone
4 call.

5 Q Following that phone contact with the number AK, turning
6 to the next page of the exhibit, who's the next person that
7 the defendant had phone contact with in Pakistan according to
8 this chart?

9 A At 4:49 a.m., in New York, the defendant called Nisar at
10 92-301-626-2095, through the calling card number that is
11 listed above it, and that was a more than one-minute phone
12 call.

13 Q What was the time in Pakistan when the defendant called
14 Mazhar and had that telephone contact?

15 A That is 2:49 p.m.

16 Q Who was the next person that the defendant had contact
17 with in Pakistan according to the chart?

18 A At 5:41 a.m. in New York time, the individual AK at
19 92-346-587-3027 called the defendant, and it was a less than
20 one-minute phone call.

21 Q Did the defendant have any contact with the -- either of
22 the numbers you have identified as having been utilized by
23 Javed during this time period reflected here?

24 A Yes.

25 Q What time?

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1 A At 5:53 a.m., Javed, utilizing the phone number
2 92-300-872-0875 called the defendant, and that was a more than
3 two-minute phone call.

4 Q Is it fair to say that that call was made by Javed at
5 3:53 p.m. Pakistani time?

6 A Yes.

7 Q Did he speak to Javed again in the relevant time period?

8 A Yes, a few minutes later, at 5:55 a.m., Javed, now
9 utilizing the number 92-347-630-1532, called the defendant,
10 and that was a less than a minute phone call.

11 Q Did the defendant speak to the number that's utilized by
12 Nisar and Babar during the relevant time period?

13 A Yes.

14 Q Where is that indicated here?

15 A Further down at 7:50 a.m. in New York time, the defendant
16 had a phone call from Nisar Babar, at 92-347-631-5868 and that
17 was more than six-minute phone call.

18 Q What time was it in Pakistan when that call was made by
19 Nisar Babar?

20 A That was 5:50 p.m.

21 Q Did the defendant speak to the person identified as Sain
22 Ashfaq during the relevant time period?

23 A Yes, at 8:51 a.m. in New York time, the defendant called
24 Sain Ashfaq through a calling card number, that's listed as
25 the 929-224-5131 number. And ultimately called the Pakistani

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1 number, 92-345-856-4531, and that was at 6:51 p.m. in Pakistan
2 time, and it was more than seven-minute phone call.

3 Q How many additional contacts with the numbers utilized by
4 Javed did the defendant have according to the records detailed
5 on this page of the exhibit?

6 A Four more times.

7 Q And did the defendant have contact with an individual
8 identified as Mazhar during this time period?

9 A Yes.

10 Q When did that occur?

11 A That occurred at 10:44 a.m. in New York time, where the
12 defendant called Mazhar through the same calling card access
13 number, ultimately to the Pakistani number 92-301-626-2095.
14 That was more than three-minute phone call.

15 Q And looking at the context with Javed, the first one
16 here, how long was that call?

17 A That was more than a minute.

18 Q The second one listed here, how long was that call?

19 A That is six minutes.

20 Q And the final one listed on this page, how long?

21 A That's five minutes. You skipped one. At 10:07 a.m.,
22 Javed ended up calling the defendant.

23 Q Forgive me, yes. How long was that call?

24 A That was more than 17 minutes.

25 Q In addition, do you see phone contacts with additional

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1 numbers in Pakistan that were not identified as being utilized
2 by a specific person --

3 A Yes.

4 Q -- throughout this time period? And directing your
5 attention now back to the front of Government Exhibit 722,
6 were you able to make some conclusion about the frequency of
7 call activity by the defendant during this time period on the
8 front of this chart?

9 A I was able to calculate the average number of calls per
10 day that the defendant made, between November 27th, 2012, and
11 the February 24th, 2013. And I calculated that out to be 53.5
12 calls per day.

13 Q And did that reflect both the number of calls he made and
14 received combined?

15 A Yes.

16 Q Using that as a baseline average, that the defendant
17 typically made and received 53.5 calls on a given day during
18 the time period reflected, how many calls did you identify the
19 defendant as having made or received between 10:00 p.m. on
20 February 24th, 2013, and 10 p.m. on February 25th, 2013?

21 A I determine it to be 114 phone calls.

22 Q Fair to say more than double?

23 A Yes.

24 Q And the notation indicates that you excluded from that
25 summary any calls with law enforcement, is that right?

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1 A That's correct.

2 Q How many calls does that exclude from the total
3 calculation?

4 A That was four.

5 MS. GANDY: I have nothing further, Your Honor.

6 THE COURT: Your witness.

7 CROSS-EXAMINATION

8 BY MR. SOSINSKY:

9 Q Agent, in addition to telephone records from my client,
10 Mohammad Ajmal Choudhry, is it true that you reviewed phone
11 records that have been obtained via subpoena for a number of
12 other individuals who you understood were living in that house
13 on Foster Avenue at the time, right?

14 A No, I did not review the call details for those other
15 phone numbers, just the subscriber information for the other
16 phone numbers.

17 Q Well, were you advised that the government had
18 subpoenaed -- whether you looked at it or not, were you
19 advised that the government had subpoenaed telephone records,
20 toll records for a number of other individuals, adults, who
21 they understood resided at the Foster Avenue address?

22 A I was not aware that they had subpoenaed phone records,
23 call detail records --

24 Q Okay.

25 A -- with the numbers.

Lee - Cross / Sosinsky

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1 Q Did you analyze my client's phone usage with regard to
2 contacts between him and other people who lived at 817 Foster
3 Avenue for the time period November 27th, 2012, through
4 February 24th, 2013?

5 A No, my task was to focus on the dates of the charts that
6 I testified to.

7 Q Okay. That you were provided with, right?

8 A Yes.

9 Q Okay. And so you would agree that if we were to look at
10 Mr. Choudhry's phone usage for any given day during the course
11 of the month of November or December, we would see, according
12 to you, at least an average of 53 or 54 calls a day to various
13 numbers, right?

14 A Yes.

15 Q But you can't tell us anything about whether or not
16 during that same time period, I'm talking about November 27th
17 through February 24th, other than the two days that you
18 created these charts about, how much contact my client
19 routinely had with some of the names that you've been talking
20 about, right?

21 A I wasn't focused on those.

22 Q I understand. So, can you tell us, do you know anything
23 about how often during the month of November my client spoke
24 with a number associated with Nisar or Babar, do you have any
25 idea?

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1 A I didn't calculate that.

2 Q Do you have any idea how often a telephone number
3 associated with Mr. Choudhry called or was called by a number
4 associated with his brother, Akmal?

5 A No, I didn't calculate that either.

6 Q The same would be true if I asked you about someone you
7 referred to in the chart as AK, right?

8 A That's correct, outside of the dates that I was given.

9 Q I understand. You have no idea, do you, during the month
10 of November, December, and January, up to January 24th or 5th,
11 how much contact my client had with Mohammad Akmal, his
12 brother, at the home in Pakistan, right, you have no idea?

13 A I don't have -- I didn't calculate that, no.

14 Q Nor do you have any idea, do you, if there was contact
15 between my client and a number associated with Mohammad Akmal,
16 how many other people got on the telephone with the person in
17 Pakistan to speak at various times with my client, you have no
18 idea about that, do you?

19 A I don't, I'm not aware of that.

20 Q And so what we have here, just so we're clear, are two
21 charts that you created taking a look at telephone calls to
22 and from my client and other people, on those two particular
23 days, right?

24 A That's correct.

25 Q Focus now on this name Javed, do you know at all how

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1 often my client was -- my client, do you have any idea how
2 often that telephone number associated with my client received
3 or called this fellow Javed other than on the days that you
4 just told us about?

5 A No, I don't.

6 Q What about the name that you just gave us, Mazhar,
7 M-A-Z-H-A-R, do you have any idea whatsoever how often my
8 client either called or was called by someone associated with
9 that number, just focusing on the months of November, December
10 and up to January 24th or 5th, of 2013?

11 A No, I do not calculate that.

12 Q You mentioned someone by the name of Sain Ashfaq. Do you
13 have any idea how often Mohammad Ajmal Choudhry's phone was
14 associated with telephone contacts with that person at the
15 number during that same time period from November through
16 January 24th or 5th of 2013?

17 A No, I do not calculate that either.

18 Q How about contact between my client and his son, Shakeel,
19 any idea?

20 A No, I don't.

21 Q How about my client and this person Jamil, any idea?

22 A For the same time period, no.

23 Q By the way, there are some other names on Government
24 Exhibit 720, the chart that you say you created, right, there
25 were some names at the bottom?

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1 A Yes, that's correct.

2 Q Someone named -- or a name appearing as Irfan Shah,
3 right? You see that?

4 A Yes.

5 Q And Abid Molbi? You see that?

6 A Yes.

7 Q Pahto, P-A-H-T-O, slash, Mamo Fiaz, right?

8 A Right, I see that.

9 Q And Chacha Rahman. You see that, the last entry there?

10 A Yes.

11 Q Those are names also within my client's contacts or other
12 information from, for example, his son, Shakeel's phone
13 contacts, right?

14 A Yes.

15 Q And again, if I was to ask you whether or not you took a
16 look at how often during -- any day during November, December,
17 January, up to January 24th, my client was in touch with any
18 of those people, as you sit here now, you really have no idea?

19 A I did not calculate those.

20 Q And that's why when you testified, you told us that you
21 looked at, I think you said, relevant information, right?

22 A Correct.

23 Q Okay. And your definition of relevant information was
24 information that you utilized for two days during this entire
25 time period that I've been asking you about, right?

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1 A That's correct.

2 Q And your definition of relevant information pertains only
3 to phone contacts between those people and my client's
4 cellphone, right?

5 A For -- yes, for that.

6 Q For those two days, right?

7 A For those two days, yes.

8 Q Do you have any information about how often those same
9 people -- withdrawn.

10 I'm referring now to numbers associated with
11 Pakistan, how often there was contact between those numbers
12 and, for example, my client's son, Shakeel, any idea?

13 A No, I don't.

14 Q What about Jamil, any idea of the contacts between the
15 people that you mentioned and Jamil during that time frame?

16 A No.

17 Q What about contacts between any of those people and
18 someone whose name you may have heard known as Mohammad Afzal
19 Choudhry, any idea about contacts between those individuals
20 and that person during that same time period?

21 A No.

22 Q Now, would you agree with me, sir, that you have included
23 in the two charts, that show calls on those particular dates,
24 calls that appear to have been less than a minute, right?

25 A That's correct.

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1 Q And you based your denoting those calls as being less
2 than a minute, based on your review of toll records, right?

3 A The defendant's toll records, yes.

4 Q Billing records, right?

5 A Yes.

6 Q Okay. And would it be fair to say that in almost every
7 instance in which you denominated something as less than a
8 minute, that call may actually have been dropped after a
9 second or two, right? If it went through at all?

10 A That would be correct.

11 Q And so before when you were giving the jury the number of
12 telephone calls that took place on a particular date, you
13 would agree with me if we were to go through this chart
14 line-by-line, there are a good number of calls that you
15 counted in your calculations of calls on that day versus other
16 days that appeared to be dropped calls, right?

17 A That's correct.

18 Q And sometimes as you go through the chart, you can see
19 that after what appears to be a dropped call, either
20 Mr. Choudhry or someone else would be attempting to contact
21 him back right or he them back, right?

22 A Yeah. That's correct.

23 Q And then you said there were calls to other U. S. numbers
24 interspersed through here. To you, those calls were not
25 relevant, right?

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1 A That's correct.

2 Q And there were calls to other numbers in Pakistan that
3 you determined were not relevant, right?

4 A That's correct.

5 Q But those calls to others in Pakistan are coming right
6 smack in the middle of a time frame when you are telling us
7 there were relevant calls made, right?

8 A That would be correct.

9 Q And sir, if we were to eliminate from the list that
10 appears on Government Exhibit 722 the calls that you just
11 agreed with me were in all likelihood the byproduct of dropped
12 calls, the ones that are listed the less than a minute, would
13 you agree that the vast majority the calls that took place
14 between 10 p.m. on February 24th and 10 p.m. on February 25th,
15 both times here in New York, took place after about 2:30 p.m.
16 that afternoon, right?

17 A I would have to look at the chart again, but --

18 Q Do you have one? Do you have anything before you now?

19 A No.

20 MR. SOSINSKY: Could I have a moment, Judge?

21 THE COURT: Of course.

22 (Pause in proceedings.)

23 Q Can you see that on your screen?

24 A Yes.

25 Q So my question is, if we were to start at about 10 p.m.

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1 on February 24th --

2 THE COURT: By that, what you are referring to,
3 counsel.

4 MR. SOSINSKY: I'm sorry, Judge.

5 THE COURT: It's all right.

6 Q Government Exhibit 722, if we were to eliminate, as I just
7 asked you, calls that indicate less than a minute's time, okay?

8 A Okay.

9 MR. SOSINSKY: And let me just indicate if I
10 could -- one moment, Judge.

11 Q I'm just going to point, if I could for a second, on page
12 two of this chart to the first entry that takes place after
13 2:30 p.m. Pakistan time. Now do you see that here? I think you
14 told us before.

15 A (No response.)

16 Q Right?

17 A I see it. Yes.

18 Q Okay. So my question now is, if we were to eliminate or
19 discount the calls above this line, okay, on this page and on
20 the proceeding page, that is the first page of Government
21 Exhibit 722, the calls that you agree with me appear to be
22 dropped calls, you would agree that the vast --

23 THE COURT: No, I'm not sure that's what the witness
24 said.

25 MR. SOSINSKY: Did they appear to you to be dropped

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1 calls?

2 THE COURT: I think he testified they might or not
3 might be dropped calls.

4 MR. SOSINSKY: Okay.

5 THE COURT: That's mischaracterizing the testimony.

6 MR. SOSINSKY: I don't intend to do that, Judge.

7 Thank you.

8 THE COURT: I just wanted to make sure you didn't.

9 Go ahead.

10 BY MR. SOSINSKY:

11 Q Okay. If we were to eliminate those calls from this list
12 or this chart, would you agree with me that the vast majority of
13 the calls that you told us were either made or received on that
14 date took place after that time I just asked you about, right?

15 A Yes, if they were dropped calls.

16 Q I mean, we have -- thereafter, we have another what, one,
17 two, three pages, right?

18 A Yes.

19 Q Okay. And in fact, as we move from after 2:30 or so that
20 date down through, there are any number of other instances,
21 are there not, Agent, where, as was the case on page one, you
22 see calls of less than one minute's duration, right?

23 A That's correct.

24 Q And that was something -- that was a denomination you put
25 on this chart, right?

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1 A Yes.

2 Q And would you agree with me that those calls like the
3 calls I asked you about on the first page, page and-a-half,
4 may well indicate dropped calls, right?

5 A It may.

6 Q Okay. And there's some indication at various times that
7 that appears to be the case, because after a call is dropped,
8 the next minute or moment, there appears to be another phone
9 call in quick succession that follows it, right?

10 A Yes.

11 Q Now, did you find based on your review of the TLC records
12 and the chart that you prepared that my client's taxi shift on
13 January 24th or fifth was to you, significantly shorter than
14 other days?

15 A For what date?

16 Q I'm talking about a January date.

17 A I would have to look at the chart. I don't recall the --
18 the shift duration for that particular date.

19 Q Putting before you with the Court's permission --

20 MR. SOSINSKY: Exhibit 606, Your Honor?

21 THE COURT: Yes. It's in evidence.

22 Q Okay. You see on your chart, what appears to be
23 January 24th, 25th, 26th entries made on this paragraph?

24 A Yes, that is correct.

25 Q Okay. And would you agree with me that the entries on

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1 those dates appear to be either exceeding the average or in
2 and around the average, right?

3 A Yes, that's correct.

4 Q Now, it took you sometime to go through the data, the
5 information contained on Government Exhibit 608, right?

6 A Yes.

7 Q It took you sometime to familiarize yourself with what it
8 was? You say you actually double-checked, right, to make sure
9 that the cab number or the driver number was my client's
10 number, right?

11 A The driver number, yes.

12 Q Okay. And you certainly, when going through it and
13 familiarizing yourself with it, you wanted to see whether or
14 not there were certain days of the week in which it appeared
15 just during this limited period of time, which is from
16 December 3rd, 2012 through February 24th, 2013, on certain
17 days that Mr. Choudhry may have driven shorter shifts, right?

18 A That's correct.

19 Q And would you agree with me that what you noticed as you
20 went through there was that on Sundays, Sunday nights as
21 compared with Friday and Saturday nights, the Sunday shifts
22 oftentimes were much shorter, right?

23 A I would to have to look at the chart.

24 Q Okay. Can you do that?

25 A Yes.

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1 Q This is 606.

2 So let me ask you, on December 9th 2012, sir, that
3 was a Sunday, right?

4 A Um, I don't know.

5 Q Okay. The 24th, the last date there was a Sunday,
6 correct?

7 A I'm not sure.

8 Q So do you have any idea which of these days is a Sunday?

9 A No.

10 Q Okay. Well, let me ask you it this way. Just looking at
11 your chart, sir, on February 3rd, 2013. You see that --

12 A Yes.

13 Q -- entry where I'm pointing?

14 A Yes.

15 Q Would you agree with me that on that date, the shift was
16 somewhat less than about four hours, according to the way you
17 drew it up here, right?

18 A Yes.

19 Q Okay. And again, as you sit here now, you don't know
20 whether or not that was a Sunday, right?

21 A I don't know.

22 Q And December 23rd, 2012, which is actually a day that
23 appears here, okay? So we don't have to look in between the
24 lines. But on December 23rd, 2012, would you agree it appears
25 that shift was about three and-a-half hours on that date,

Lee - Cross / Sosinsky

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1 right?

2 A Between three and four, hours.

3 Q Okay. And between three and four would be about three
4 and-a-half?

5 A Yes.

6 Q Okay. And again, as you sit here now, you don't know
7 whether those dates were Sundays as opposed to some other day
8 of the week, right?

9 A I don't recall.

10 Q You did no analysis of whether or not Mr. Choudhry
11 regularly drove his cab on Sundays as compared to other days
12 for, on average, far fewer hours, right?

13 A I wasn't given that information.

14 Q But would you agree certainly with regard to the dates I
15 just asked you about, where it appeared to be less than four
16 hours and then about, as you said, somewhere between three and
17 four hours, that those are much less than average shift times,
18 right?

19 A That's correct.

20 Q And can you tell us based on your review of all the
21 records you say you looked at previously, do you know why that
22 is? Do you know why that is, that on those dates, that shift
23 was that much less than what you tell us the average was?

24 A No.

25 Q The one I asked you about on December 23rd, 2012, if that

Lee - Cross / Sosinsky

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1 one -- if you agree with me for the moment, for the sake of
2 argument, that that was about three and-a-half hours, okay?
3 Between three and four. That would be less than half of the
4 average time that you calculated an average shift to be, just
5 during this snapshot between December 3rd and February 24th,
6 right?

7 A That's correct.

8 Q And on February 3rd, if that shift was just shy of four
9 hours, that would be somewhat less -- somewhat more than half
10 of the average shift times as you walked us through earlier
11 today, right?

12 A That's correct.

13 Q And do you know why -- let me ask you on that second
14 date, February 3rd, 2013, why it is that Mr. Choudhry only
15 worked, according to the records that you reviewed, four hours
16 as opposed to what you tell us his average shift was, do you
17 have any idea?

18 A I wasn't given the information as to why.

19 Q And assuming if you would, sir, that someone is within a
20 home and utilizing a cellphone, okay? Just asking you to
21 assume for the moment that that's the case, we've heard
22 testimony about at this trial, would you agree with me that
23 anyone could use a cellphone registered to anyone, right? As
24 long as they're physically present, they can make a phone call
25 utilizing someone's cellphone, right?

Lee - Redirect / Gandy

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1 A If they were in possession of that phone, yes.

2 Q Okay. And the same would be true for someone receiving
3 calls from someone. That is, although a number may be
4 registered to me, if my son or daughter picks up my phone,
5 whether I might request or otherwise, you wouldn't know that,
6 right, by looking at toll records?

7 A No, I wouldn't.

8 Q So all you're saying throughout these charts is that
9 these are the phones. This is who either the registered owner
10 is or how the numbers are described in certain contacts or on
11 pieces of paper, and these are what the records show -- the
12 relevant records show, you tell us, on particular dates and
13 times, right?

14 A That's correct.

15 MR. SOSINSKY: Okay. Thank you.

16 I have nothing further.

17 THE COURT: Your witness?

18 MS. GANDY: Thank you, Your Honor.

19 Publishing again for the witness and the jury,
20 Government Exhibit 722 in evidence.

21 (Exhibit published to the jury.)

22 REDIRECT EXAMINATION

23 BY MS. GANDY:

24 Q Special Agent Lee, you told us that you were able to
25 determine the average number of calls that the defendant made on

Lee - Redirect / Gandy

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1 received between November 27th, 2012, February 24th, 2013 on a
2 daily basis, right?

3 A Correct.

4 Q And you determined that to be 53.5 calls per day, right?

5 A Correct.

6 Q When you made that determination, did you include in that
7 analysis calls that lasted less than a minute?

8 A I believe I did.

9 Q Well, did you include all of the call activity that the
10 defendant's records reflected on those given days in order to
11 reach the average determination?

12 A Yes.

13 Q Fair to say, you also included those calls less than a
14 minute in your analysis of the defendant's call activity
15 between 10 p.m. on February 24th, 2013 and 10 p.m. on
16 February 25th, 2013?

17 A Yes, I included those calls.

18 Q So would it be fair to say that in the box on the left
19 and the box on the right, you're comparing apples to apples
20 here?

21 A That's correct.

22 Q And comparing apples to apples, you were still able to
23 determine that the defendant had more than twice as many calls
24 made or received in this 24-hour period than over the course
25 of the preceding months on an average daily basis?

Lee - Redirect / Gandy

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1 A Yes.

2 MS. GANDY: Thank you. Nothing further.

3 THE COURT: You may step down, sir.

4 THE WITNESS: Thank you.

5 THE COURT: You're welcome.

6 Call your next witness, please.

7 MS. GANDY: The government calls Nayab Asghar, Your
8 Honor.

9 THE COURT: Okays. Should we take a ten-minute
10 comfort break? And the answer is yes. We will take a
11 ten-minute -- twelve-minute comfort break and then we'll be
12 back. Thank you. Again, do not talk about the case.

13 (Jury exits.)

14 THE COURT: All right. The jury has left the
15 courtroom. How long are you going to be with this witness on
16 direct?

17 MS. GANDY: Approximately 20 to 30 minutes, Your
18 Honor.

19 THE COURT: And how long on cross?

20 MR. SOSINSKY: I anticipate no more than that.

21 THE COURT: All right. Since it's ten minutes to
22 five, does it make sense to let the jury go home for the day
23 and to take this witness tomorrow or does it make sense to try
24 to keep the jury here 'til 6 p.m. tonight? I'm asking the
25 prosecution first and then defense counsel.

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1 MS. GANDY: I think tomorrow would be appropriate,
2 Your Honor.

3 THE COURT: How about defense counsel?

4 MR. SOSINSKY: I would concur, sir.

5 THE COURT: All right now, I have a present -- you
6 can sit down -- I have a present for you. I had promised
7 counsel that at the five o'clock hour today, I would give you
8 the Court's Exhibit 5 for identification, jury charge. I'm
9 going to give it to you approximately seven minutes early.
10 What a guy? My law clerks are going to bring it in. We will
11 have our charge conference tomorrow at noon, thereabouts,
12 during the lunch break.

13 You will note as you go through it and -- I just
14 want to make this abundantly clear on the record, there -- you
15 can give them out.

16 LAW CLERK: (Complies.)

17 THE COURT: Bear with me one moment, please.

18 (Confers with the law clerk.)

19 (Pause in proceedings.)

20 MR. TUCKER: Judge, you're not waiting on us, are
21 you?

22 THE COURT: No, no. I was actually waiting to check
23 on one particular point with my law clerks, and I just want to
24 call your attention to one particular part of Court 5, which I
25 believe each side has in front of you, right? You each have

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1 it?

2 MR. SOSINSKY: Yes, sir.

3 MS. GANDY: Yes.

4 THE COURT: Turn to page 14. I want to emphasize
5 this obviously outside the presence of the jury, bottom of
6 page 14: "In a criminal case, the defendant cannot be required
7 to take the stand. There is never a requirement and never an
8 expectation, implicit or explicit, that the defendant will
9 take the stand and testify. He never ever has to do so. It
10 is the government's burden to prove the defendant guilty
11 beyond a reasonable doubt, and that burden remains solely with
12 the government throughout the entire trial. The defendant
13 does not have to prove that he is innocent. He does not have
14 to testify." And then, I have this language: "You may not
15 attach any significance to the fact that the defendant did not
16 testify. You may not draw any adverse inference against him
17 because he did not take the witness stand. You may not
18 consider it in any way in your deliberations in the jury
19 room."

20 Obviously if the defendant elects to take the stand,
21 that will not be read. But I just thought since I promised I
22 would give you the charge today at five, that would be there.
23 What I was looking to see is if there was a version of this
24 that had what is implicit -- no pun be intended -- explicit
25 with the language that says, "If the defendant elects to take

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1 the stand," this portion of the charge will not be given.

2 I see that that last minute, last minute
3 parenthetical did not make it into this draft. So obviously,
4 if the defendant does not testify, this is what you will have
5 read to the jury. If he does, out it comes. That much of an
6 on-the-fly assessment from what I've prepared to make. Fair
7 enough?

8 MR. TUCKER: Yes, Your Honor.

9 MR. SOSINSKY: Yes.

10 THE COURT: Okay. What we're going to do now is,
11 we're going to call the jury back in and say since it's five
12 o'clock, we have agreed to adjourn until tomorrow morning. We
13 will start at 9:30 a.m.

14 Yes?

15 MS. GANDY: Your Honor?

16 MR. SOSINSKY: She has other issues tomorrow
17 morning.

18 THE COURT: I'm sorry. We will start tomorrow at 10
19 a.m.

20 MS. GANDY: Thank you, Your Honor. I appreciate the
21 indulgence.

22 THE COURT: Not a problem. We'll start at 10 a.m.,
23 because I have some other matters to address.

24 MS. GANDY: Thank you.

25 THE COURT: All right. Anything else?

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1 MR. TUCKER: Your Honor, just Government's
2 Exhibit --

3 THE COURT: You can remain seated.

4 MR. TUCKER: I'm sorry.

5 THE COURT: Use the microphone.

6 MR. TUCKER: Government's Exhibit 1100, since I have
7 the evening, I'm going to take a moment to make it a little
8 more polished and to resolve the page number issue without
9 writing them in and I'll present --

10 THE COURT: As long as your adversary doesn't have a
11 problem with your polishing, then fine.

12 MR. TUCKER: Thank you, Your Honor.

13 THE COURT: If he has a problem with your polishing,
14 then I have a problem with your polishing --

15 MR. TUCKER: I understand.

16 THE COURT: -- which means you have a problem with
17 your polishing.

18 MR. SOSINSKY: After the jury leaves, can we discuss
19 a couple of things about tomorrow or would you like to do that
20 now?

21 THE COURT: Well, they're on break now, so let's
22 discuss them now.

23 MR. SOSINSKY: I can remain seated?

24 THE COURT: I would hope so.

25 MR. SOSINSKY: Judge, one of the things we're going

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1 to do with the Court's approval tomorrow and by stipulation
2 between the parties is to move into evidence the deposition --
3 the deposition testimony taken pursuant to Rule 15 of the
4 Federal Rules of Criminal Procedure.

5 THE COURT: Stop right there.

6 MR. SOSINSKY: Yes?

7 THE COURT: Mr. Jackson, have we lost the techie
8 again?

9 THE CLERK: Judge --

10 THE COURT: You know, I'm really having a bad hair
11 day about this. Get him up here.

12 Because you're going to talk about getting some
13 mechanicals in, right? Deposition? That could involve
14 anything mechanical like a CD?

15 MR. SOSINSKY: No, sir.

16 THE COURT: Okay. Go ahead.

17 MR. SOSINSKY: So I will formally move its admission
18 once we get to the defense case. I believe we will have a
19 stipulation presented to the Court that hopefully Your Honor
20 will endorse.

21 THE COURT: My point is, is this going to be a CD or
22 is this going to be --

23 MR. SOSINSKY: No. I think what we plan on doing
24 is using the transcript itself, and we have made certain
25 redactions from it based on objections that we've resolved and

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1 so on. And I actually, the Court doesn't have to rule on
2 anything.

3 THE COURT: Lovely. That's good.

4 MR. SOSINSKY: However, with regard to how to
5 present that to the jury, it's been my experience that there
6 are various ways.

7 I had a requested of the government that I would
8 like to read myself, at least the portions of my questions put
9 to the witness, and we can either have a court reporter, one
10 of the court staff or some other way to present this
11 testimony. The government would prefer not to do it that way.

12 THE COURT: I don't like doing it that way, either.

13 MR. SOSINSKY: It doesn't matter what we like.

14 THE COURT: It confuses roles.

15 MR. SOSINSKY: Okay.

16 THE COURT: And it's just bad form.

17 MR. SOSINSKY: Okay. I guess we're just looking for
18 guidance as to how the Court would like to operate tomorrow,
19 because in the event that we need additional personnel, we
20 just wanted to give you a heads up about that. The court
21 reporter can't do it because they have take down actually
22 what's being said.

23 THE COURT: That's correct. However, you have two
24 interpreters present, one of whom can interpretate and one of
25 whom can play the role of witness, I suppose. Does that work

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1 for you?

2 MS. HECTOR: Your Honor, just to clarify. I think
3 what Mr. Sosinsky is suggesting that it's not going to be a
4 video that comes in.

5 THE COURT: I know.

6 MS. HECTOR: It's only going to be the transcript.
7 It's just a matter of reading the transcript.

8 THE COURT: Well, I got that. The question is, who
9 is going to read it.

10 You are going to have one reader? Is that what you
11 want?

12 MR. SOSINSKY: No. I would like at a minimum to
13 have two readers, that is, one, the witness consistent and the
14 another either both attorneys or we can switch with me.

15 THE COURT: Article III judges aren't allowed to go
16 to -- my faith in my friends -- and don't you have a friend?
17 I mean, don't you friend anybody? Isn't there somebody who
18 can come and read for you or read with you?

19 MR. SOSINSKY: If you'll permit that.

20 THE COURT: Bring a friend?

21 MR. SOSINSKY: If you'll permit that, I can endeavor
22 to find somebody, to pick someone up. But honestly, Judge,
23 I'm happy to use your court staff.

24 THE COURT: No, I'm not happy using the court staff.

25 MR. SOSINSKY: Okay.

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1 THE COURT: I'm happy with you having someone that
2 is appropriate to serve in this function.

3 Now, originally, if you recall, it was my
4 understanding that you were going to take the deposition --
5 the reason I asked for the techie to come back -- and I
6 appreciate your return, sir -- was to have a DVD or CD used.
7 Now, we had that discussion or am I just hallucinating about
8 that.

9 MR. SOSINSKY: No, there's no hallucination.

10 THE COURT: All right. Thank goodness.

11 MR. SOSINSKY: What happened was --

12 THE COURT: You don't have to explain what happened.
13 I'm just saying, originally, I thought we were going to have a
14 CD or DVD, That's moved on. Now we're going to have old
15 school, someone reading it, correct?

16 MR. SOSINSKY: Yes, sir.

17 THE COURT: Not going to be you, not going to be my
18 court staff. That leaves a broad universe of other people.
19 Who they are, that's going to be your issue.

20 MR. SOSINSKY: So perhaps we can attempt to work
21 this out between us, and Your Honor, as long as it's not
22 myself and it's not counsel for the government themselves, I
23 take it beyond that, you don't have any particular misgivings?

24 THE COURT: Until I see would it is.

25 MS. HECTOR: Your Honor, I think the government

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1 would propose that have a court reporter, maybe an additional
2 court reporter serve as --

3 THE COURT: Have you dealt with our court reporters?
4 They wonderful, but I'm not sure that they're going to be
5 happy about sitting here and reading.

6 How long is this going to be?

7 MS. GANDY: About 80 pages, Your Honor.

8 THE COURT: Now, you know, you don't want that.

9 MR. SOSINSKY: How about the tech guy? He's going
10 to be here anyway.

11 THE COURT: No, we definitely don't want that.

12 MR. SOSINSKY: It will guarantee we have no tech
13 problem.

14 THE COURT: I told him he was going to do his job
15 and the lawyers are going to do their job and I'm going to try
16 to do my job. You do not want the tech person doing it.

17 Go ahead. Let's have another suggestion.

18 MS. HECTOR: Your Honor, the government's concern is
19 that there's something artificial about having sort of a
20 play-acted witness. And we want to make clear to the jury to
21 have this person sort of take the stand and sit in the witness
22 box and testify, that this is not the person. This person is
23 just reading a transcript.

24 In light of that is sort of what drew us to the
25 conclusion that it should be either be a court reporter, a

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1 person affiliated with the court, that could -- and the Court
2 could explain what's going on.

3 THE COURT: Would the government and the defendant
4 be willing to have an independent court reporter come here and
5 read this -- not someone from our overstuffed and stretched
6 court reporting service, but rather an independent from the
7 outside, a court reporter come and read it.

8 We have a volunteer. All right?

9 MR. SOSINSKY: Doesn't get better than that.

10 THE COURT: I didn't think so. All right. We have a
11 volunteer who will read -- I promise to provide the cough
12 drops, who will read the eighty-page transcript of testimony.
13 Okay?

14 MR. SOSINSKY: Yes, the only thing --

15 THE COURT: You're not auditioning for Broadway or
16 off-Broadway. There are no Emmys, no Tonys, just a flat
17 reading. Okay?

18 That's what we want, both sides.

19 MR. SOSINSKY: I've no problem with a flat reading,
20 however -- however, as Your Honor has told every witness, I
21 would ask -- and maybe it doesn't need to be said -- but that
22 we read it at a pace consistent with what the testimony would
23 be, rather than just racing through it. That's my only
24 concern, Judge.

25 THE COURT: I would read it, but we'd like to get

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1 this trial done this week, and at the pace with which I speak,
2 that might be a slight impediment.

3 So we will have the volunteer read it at a
4 reasonable pace, so that her colleague can take it down at a
5 reasonable pace.

6 MR. SOSINSKY: Thank you.

7 THE COURT: Is that acceptable to the government?

8 MS. HECTOR: Yes, Your Honor.

9 THE COURT: Is that acceptable to defense counsel?

10 MR. SOSINSKY: Yes, sir.

11 THE COURT: Is there anything else that we need to
12 deal with, other than getting the jury back in here and
13 sending them home with big smiles on their faces? Is there
14 anything else? You can tell me.

15 MS. HECTOR: No. There's one additional issue that
16 we still haven't had an opportunity to talk to defense counsel
17 about, but we'll confer on that.

18 THE COURT: You've got between 'til now and tomorrow
19 morning at ten.

20 MS. HECTOR: Yes.

21 THE COURT: Okay. I think I made it very clear, I'm
22 not bringing her back. So figure out another way to do it.
23 Okay? That's not happening. I've ruled on that.

24 MR. SOSINSKY: No one --

25 THE COURT: So it's just a question of how you do

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1 it, stipulated facts or someone the Court can take notice of,
2 but I'm not dragging her back here, not for that.

3 Okay. Anything else?

4 MS. HECTOR: No, Your Honor.

5 MR. SOSINSKY: No.

6 THE COURT: All right. We're going to get the jury
7 back and then we will resume tomorrow at a little after ten,
8 so I can deal with my day job.

9 (Discussion off the record.)

10 (Jury enters.)

11 THE COURT: Thank you for your patience, ladies and
12 gentlemen of the jury, but do not sit down, because as a
13 result of my advocacy and my forcefulness, we are adjourning
14 for the day.

15 JURORS: Thank you.

16 THE COURT: Yes. I was a heck of a lawyer back in
17 the day. All right. So it's amazing what you can do when you
18 wear these black robes.

19 So we're going to resume tomorrow all 10 a.m. We're
20 going to go pretty much straight through the day and we will
21 power on. I very much appreciate your time and your attention
22 and your focus. Again, we're getting close, but we're not
23 there yet, so please do not talk about the case. Do not read
24 about the case or listen anything about the case. Think about
25 soccer, think about maybe the Boston Red Sox once again,

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1 coming back to life. Sad, but true. But whatever it is, not
2 the case. See you tomorrow at 10 a.m. Have a good, safe
3 evening.

4 (Jury exits.)

5 THE COURT: All right. The very happy jury has left
6 the courtroom. Is there anything we need to talk about in
7 addition to what we have touched on already?

8 MS. HECTOR: No, Your Honor.

9 MR. SOSINSKY: No, sir.

10 THE COURT: Okay. Thank you. Have a good evening.
11 We're adjourned for the day. See you tomorrow at ten.

12 MR. TUCKER: Thank you, Your Honor.

13 THE COURT: Thank you.

14 (Trial adjourned to July 1, 2014, at 10:00 a.m.)
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